



REPORT

The Governor's Task Force on the Real ID Act

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December 29, 2005

The Honorable Mark R. Warner
Governor of Virginia
Office of the Governor
State Capitol, 3rd Floor
Richmond, Virginia 23219

Dear Governor Warner:

Please accept the enclosed report which was prepared by the Governor's Task Force on Real ID. As specified in your Executive Directive 9, Task Force members reviewed the impact that the Real ID Act of 2005 will have on the Commonwealth and on Virginians. This report includes those findings as well as recommendations for strategies to address the Act.

The Task Force asked me, their Chairman, to express our concerns about the REAL ID Act. In summary, the REAL ID Act presents challenges in at least three areas. The Real ID act will have significant financial impact on the Commonwealth and will change the way Virginians obtain driver's licenses and ID cards—documents that are critical to everyone's way of life. Implementation of the Act could also raise privacy concerns.

- **Financial:** REAL ID will be expensive to implement. Because the Federal government has provided almost no funding, that financial burden will fall directly on the Commonwealth and its taxpayers.
- **Individuals:** Every driver or ID card holder and every applicant for a new driver's license or ID card will have to wait in line much longer at the DMV, and provide significantly more paperwork to obtain a driver's license or ID card. Indeed, many legitimate applicants for driver's licenses or ID cards will not possess the paperwork necessary to obtain a REAL ID license or ID card. Renewal by Internet or by mail, which have become expected conveniences, will be impossible or at least unavailable to Virginia residents for many years.
- **Privacy:** Every step must be taken to ensure that implementation of the Act does not imperil Virginians'. Implementation could pose problems for police officers and victims of domestic violence and sexual assault if residential addresses must appear on their driver's licenses and ID cards.

The Honorable Mark R. Warner
December 29, 2005
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The Task Force is also concerned about possible stigmatization under the Act and the short timeline for compliance. Meeting the letter of the law poses significant challenges not only to Virginia but to all states.

In the face of these problems and concerns, Congress must further act. It should provide a fair level of funding if states are to be expected to implement this Act. It should reduce the administrative burden on drivers and ID card holders by limiting paperwork and modifying many of the Act's more onerous requirements. Finally, it should protect drivers' personal information by enacting comprehensive privacy protections.

Each of us appreciates the opportunity to comment on this important issue. We hope this report will be the beginning of a national dialogue regarding the necessity, scope and impact of the REAL ID Act of 2005.

Sincerely,

A handwritten signature in black ink, appearing to read "D.B. Smit". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

D.B. Smit

c: The Honorable Pierce R. Homer
Mr. Robert M. Blue
Mr. Richard B. Campbell
Ms. Eileen Filler-Corn
Colonel W. Stephen Flaherty
Mr. George Foresman
Ms. Tanya M. Gonzalez
Mr. John W. Knapp, Jr.
Mr. Dean A. Lynch
Mr. Steven L. Myers
Ms. Betty L. Serian
Mr. Roger L. St. John
Mr. Walter Tejada
Mr. Kent Willis

EXECUTIVE SUMMARY

Effective May 11, 2008, the REAL ID Act prohibits federal agencies from accepting, for official purposes, driver's licenses and ID cards (DL/IDs) from states not in compliance with the Act. Individuals who need to access federal facilities such as courts, to board airplanes, or potentially to obtain federal assistance, will be able to use a state-issued DL/ID for such purposes, but only if that credential was issued in compliance with the Act.

This report has been prepared by Governor Mark Warner's Task Force on the REAL ID Act, established on or about September 19, 2005. The Task Force was directed to issue a report to the Governor and the General Assembly by December 31, 2005 and was responsible for:

- Reviewing the REAL ID Act, raising public awareness about its potential impact on Virginia, including but not limited to the potential increased cost of licensure, administrative burdens on the public and businesses, and the potential benefits of the Act;
- Exploring options for compliance with the Act while protecting the security and integrity of Virginians' personal information;
- Recommending action steps to be taken at the federal and state levels to minimize the impacts of any unfunded federal mandates, remove impediments to compliance, and to ease the cost and administrative burden of the Act;
- Identifying a timeline for implementation; and,
- Recommending strategies for Virginia to take to address the Act.

The Governor's REAL ID Task Force was comprised of a diverse group of individuals from the public and private sectors, with varying interests and perspectives. The Task Force was asked to examine implementation of the REAL ID Act, a particularly complex and far-reaching Act. The complexity of this Act is further compounded by the fact that regulations have yet to be promulgated under the Act.

The Task Force focused on the most critical issues presented by the Act. Ultimately, regulations will play a significant role in determining whether these recommendations and strategies will need to be modified. Regulations will also be critical in determining to what extent Virginia law will have to be modified to accommodate implementation of the REAL ID Act.

The issues presented in this report can be categorized in two ways, as general policy issues that encompass a broader perspective of the Act, and as specific issues associated with details of implementation. The general issues deal with the implementation deadline, the impact on Virginia's residents, security, and the costs of implementing the Act. The specific issues focus on the details associated with implementing certain aspects of the Act, the impact on Virginia's residents and the costs associated with various implementation approaches.

Due to the fact that regulations necessary for implementing the Act have not yet been promulgated and many of the systems necessary for implementation are not in place, it is not likely that Virginia or any other state will be able to achieve compliance by May 11, 2008.

The REAL ID Act will affect applicants for DL/IDs, requiring applicants to undergo a more complex and time-consuming application process. This, of course, will result in additional costs to the Commonwealth. The complexity and expense of this process will negatively impact all applicants, but may impact more significantly applicants with disabilities, advanced age or financial issues. Without a compliant DL/ID, a Virginia resident may be unable to board an airplane, access federal buildings such as court buildings, or, possibly, obtain federal benefits. Increased information capture and sharing required by the Act may raise privacy concerns.

Standardization of DL/ID requirements will enhance security of credentials issued by the Department of Motor Vehicles (DMV) and the one credential concept may prevent applicants from obtaining and retaining credentials from more than one state. However, increased information access among states, as well as other information sharing necessary to comply with the Act, will require effective security measures.

The Act necessitates the development of systems and infrastructures that do not currently exist. Requirements relating to DL/ID database access among states will require development of compatible multi-state systems. The requirement that states verify source documents with the issuing entity will be burdensome and time-consuming unless systems are developed to permit electronic verification. Further, the Act does not provide mandates or incentives for other governmental or private entities to participate in the verification process.

Costs of implementation vary, but are significant. Preliminary estimates for various implementation approaches in Virginia range from \$35 million to \$169 million for up front, start up costs; and from \$1 million to \$63 million for annual, recurring costs.¹ Although Congress authorized federal funding, it is not likely that federal funds will cover all costs of implementation. If Virginia intends to comply with the REAL ID Act, sources of funding must be identified soon.

While Virginia already complies with some aspects of the Act, there are several requirements that Virginia will not be able to implement by the effective date of May 11, 2008. Additionally, DHS must promulgate regulations and, to date, there appears to be little progress on the regulations. It is difficult, if not impossible, for Virginia to effectively plan for implementation until regulations are in place.

¹ Estimates for start up costs in Virginia include \$33 million for systems redesign. While DMV is already planning to redesign its systems, the REAL ID Act will necessitate redesign and require earlier implementation. This particular cost has been highlighted in this report because the Act will likely necessitate systems redesign in many, if not a majority of states. Thus, this aspect of implementation is not unique to Virginia and similar system redesign costs will have to be borne by many other states.

In order to identify the more specific implementation issues associated with the REAL ID Act, the Task Force examined the Act, determined to what extent Virginia is already in compliance with the Act, and identified the issues that will be presented the requirements with which Virginia does not comply. This report identifies those issues and offers recommendations for implementation strategies that will minimize the impacts and issues associated with implementation.

FINDINGS AND RECOMMENDATIONS

Based on the analysis outlined in this report, the following section summarizes the Task Force's recommendations.

Advocacy Strategy

Recommendation: The Task Force recommends that Virginia's elected officials work with the National Governor's Association (NGA), the National Conference of State Legislatures (NCSL), and the National Association of Attorneys General to amend the REAL ID Act and in the promulgation of regulations to ensure that requirements are feasible, economical, practicable to implement and not unduly burdensome to Virginia residents. The Task Force also recommends that regulations address waiver or accommodation of the Real ID Act requirements during times of national emergencies.

The NGA and NCSL are currently examining the issues presented by the REAL ID Act and have issued correspondence to federal regulators, addressing the general issues of funding and the need for workable solutions under the Act. However, Virginia's elected officials must work closely with the NGA and NCSL to address with regulators the key policy issues and recommendations cited in this report and, if necessary, to seek amendment of the Act itself.

It is clear that the American Association of Motor Vehicle Administrators (AAMVA) is and will be actively involved in implementation of the REAL ID Act. However, AAMVA's role in the regulatory and implementation processes should be limited and restricted to purely technical issues. All policy issues and determinations, as well as technical issues that could have policy implications, should remain within the purview of the NGA and NCSL.

Change Management Strategy

Recommendation: Virginia must put into place mechanisms for managing the changes and issues that will arise and the preparations that will be necessary for implementing the REAL ID Act.

Virginia needs to establish a centralized entity for management and oversight of the REAL ID Act. This entity will need to coordinate the receipt and dissemination of "official" information and correspondence concerning the REAL ID Act and the regulations promulgated thereunder. In addition, this entity should oversee dissemination of information to the public before, during, and after implementation of the Act. This entity would work with the administration to provide advice for and coordinate all legislative and regulatory efforts associated with the Act. Finally, this entity would serve as the liaison between federal regulators, legislators and other governmental and private entities associated with implementation of REAL ID, to ensure that implementation is timely, cost effective and in accord with regulations and the law. In the interim between promulgation of regulations and the effective date of the Act, this entity will need to

identify and seek amendment to the Code of Virginia necessary for implementation. It is recommended that such entity would be and staffed by members of the DMV. As implementation approaches, those staffing this entity would be dedicated solely to implementation of REAL ID. It is also critical that during the transition of administrations in Virginia, the Commissioner of the DMV ensure that Virginia continues to monitor legislative and regulatory developments pertaining to the REAL ID Act.

Virginia should, once this report is issued to the Governor and General Assembly members, disseminate copies to the Governor-Elect, the Virginia Congressional Delegation, the DHS, the NGA, the NCSL, the National Association of Attorneys General and AAMVA. The Task Force would also recommend that Appendix C to this report be used as a reference and tracking resource and that it be continuously updated and revised to reflect developments and Virginia's position and recommendations regarding implementation of the REAL ID.

If implemented, the REAL ID Act will radically change the process for obtaining a DL/ID. As a result, the Task Force recommends that a significant public relations campaign be conducted in Virginia to raise awareness about the Act and its ramifications, and to instruct the public on the new DL/ID application and renewal processes.

This campaign will need to span the next three years or more. Components should include an aggressive schedule of news releases; participation of DMV personnel, especially the Commissioner, on radio and television talk shows; meetings between DMV personnel, especially the Commissioner, and editorial boards; correspondence with all DMV stakeholders, such as schools, state and local government, financial institutions, social services agencies, and any organization that might be impacted by the DL/ID changes or that might work with individuals who will be impacted.

The public relations campaign should utilize an array of media, such as publications, envelope inserts, web pages, and telephone messages. An outreach campaign will also be critical to communicate REAL ID changes to groups of individuals or one-on-one. Outreach activities are especially effective for populations with limited English proficiency and for populations with special needs. Outreach also enables the agency to communicate through civic associations, churches and other organizations.

Finally, the REAL ID campaign should include a paid media component. Paid media will be critical to successfully raising awareness about the Act, establishing the appropriate public perception of the Act and the ensuing changes, and directing individuals to sources with more detailed information.

Compliance

Issue: Whether Virginia DMV should (a) comply fully with the provisions and requirements of the REAL ID Act and issue only REAL ID Act-compliant DL/IDs; (b) issue only non-compliant DL/IDs; (c) issue both compliant and non-compliant DL/IDs; or (d) issue non-compliant driver's licenses and compliant ID cards.

Recommendation: Virginia should comply with the REAL ID Act and implement a program under which compliant credentials are issued, but should, at a minimum, also offer residents a non-compliant driver's license².

Grandfathering

Issue: Whether persons who currently hold a Virginia DL/ID could be grandfathered and exempted from the requirements of the REAL ID Act (a) permanently; (b) temporarily (until time of next renewal); or (c) using a prescreening process.

Recommendation: Virginia should advocate for an interpretation of the Act and promulgation of regulations that allows for permanent grandfathering, whereby existing credential holders could obtain compliant credentials without having to satisfy the requirements of the REAL ID Act. The Task Force acknowledges that permanent grandfathering may be contrary to the purpose of the Act. Thus, if it appears that Congress and/or regulators are not willing to adopt permanent grandfathering, then a prescreening form of grandfathering, that provides for issuance of a compliant credential if information in the record of an existing credential holder is successfully verified using existing electronic verification systems should be advocated. Only if Congress and regulators refuse to agree to permanent and prescreening forms of grandfathering, should Virginia advocate for temporary grandfathering which would allow existing credential holders to use their credentials for federal purposes until natural expiration, at which time a compliant credential could only be obtained by means of a fully compliant issuance process.

Minimum Document Requirements

Issue: Whether and how Virginia will be able to comply with the Act's requirements pertaining to information that must be included on a compliant credential.

Recommendation: Virginia should seek an amendment of the Act that permits the display of a non-residential address on a compliant credential in certain cases. The Task Force recommends that the Act be revised or, if possible, that regulations be promulgated, to provide for an opt-out that allows applicants to choose to display a non-residential address on the credential or to provide for exceptions to this requirement in cases where indiscriminate disclosure of a person's residential address could jeopardize the personal safety or well-being of the credential bearer or their family.

"Temporary" Indicator on Credentials

Issue: How to clearly indicate on the face of a credential the fact that it has been issued on a temporary basis (due to the temporary nature or duration of the applicant's authorized presence in the U.S.), as required by the Act.

² This recommendation assumes that non-compliant driver's licenses will not meet all requirements of REAL ID, but will continue to be issued under the same standards currently used in Virginia to issue driver's licenses.

Recommendation: Regulations should authorize a discreet method for indicating the temporary nature of a credential when the expiration date must be tied to an applicant's authorized stay in the U.S taking into account the utility of such an indicator and the potential for profiling or discrimination.

Verification of Source or Proof Documents

Issue: Whether, by the effective date of the Act, May 11, 2008, the Commonwealth can or will be prepared to comply with the Act's requirement that source documents (for proving identity, date of birth, social security number (SSN), principal residence address and legal presence) be verified with the issuing entity.

Recommendation: Implementation of any provisions of the REAL ID Act for which infrastructure and/or electronic solutions do not currently exist must be delayed until necessary infrastructure and systems are developed and in place. Further, Virginia should advocate for modification to the Act and for regulations that authorize use of alternative approaches to verification if systems for verification with the issuing entity are not currently in place:

- For identity, date of birth, legal presence documents (citizenship) use of automated authentication devices should be permitted, in lieu of verification with the issuing entity.
- For principal residence, only presentation of the source document should be required; verification with the issuing entity should be eliminated.

Effective Procedure to Verify/Confirm Credential Holders' Information Upon Renewal

Issue: Whether, by the effective date of the Act, May 11, 2008, the Commonwealth can or will be prepared to comply with the Act's requirement that there be an effective procedure to verify credential holders' information upon renewal.

Recommendation: Virginia should advocate regulations that authorize use of currently available procedures for verifying information of existing credential holders at the time of renewal and to not require these credential holders to complete the full requirements of the Act.

Confirmation Out-of-State License Has Been or is Being Terminated

Issue: Whether, by the effective date of the Act, May 11, 2008, the Commonwealth can or will be prepared to comply with the Act's requirement that when issuing a Virginia credential there be confirmation that any out-of-state license held by the applicant is, or will be, terminated.

Recommendation: Implementation of any provisions of the REAL ID Act for which infrastructure and/or electronic solutions do not currently exist must be delayed until

necessary infrastructure and systems are developed and in place. Further, Virginia should advocate for amendment to the Act or regulations that allow the current notification process utilized by Virginia to satisfy the requirement that when issuing a driver's license there be confirmation that an out of state license held by the applicant has been or will be terminated.

Providing Other States With Access to Driver's License and ID Card Records

Issue: Whether, by the effective date of the Act, May 11, 2008, the Commonwealth can or will be prepared to comply with the Act's requirement that Virginia provide electronic access of its DL/ID records to other states.

Recommendation: Implementation of any provisions of the REAL ID Act for which infrastructure and/or electronic solutions do not currently exist must be delayed until necessary infrastructure and systems are developed and in place. Further Virginia should advocate for regulations that mandate that the federal Driver's Privacy Protection Act (DPPA) and the privacy laws of the source state remain applicable when information contained in driving records is accessed by other states.

SSN Discrepancies and Letters of SSN Ineligibility

Issue: Whether the Act's requirements that a state (a) obtain proof of an SSN or verify that an applicant is ineligible for an SSN; (b) confirm SSNs with the SSA; and (c) resolve discrepancies when the same SSN is registered to more than one credential holder, are reasonable.

Recommendation: Regulations pertaining to the SSN-related requirements of the Act should require the applicant to resolve the discrepancies except in cases of DMV error, and should forestall requiring letters of ineligibility until the SSA has a reliable issuance system in place.

Acceptable Proof or Source Documents

Issue: Whether federal regulations should establish an explicit list of acceptable proof or source documents or whether it is preferable for regulations to contain criteria and procedures that allow the states to make the determination of what documents can be used by residents for proving identity, date of birth, principal residence address, SSN and legal presence.

Recommendation: Do not place in regulations a list of acceptable source documents, but implement a system similar to that implemented in Virginia in which lists are established by policy based on criteria established in the law.

Costs of and Funding for Implementation

Issue: What will be the costs of implementing the REAL ID Act and how will those costs be funded?

Recommendation: Preliminary estimates for the various REAL ID implementation options in Virginia range from \$35 million to \$169 million for up front, start up costs, and from \$1 million to \$63 million for annual, recurring costs.³ Thus, in order to determine the costs and funding that will be necessary for implementation, Virginia should promptly determine the compliance option that will be implemented. The Task Force recommends implementation of a process in which customers are given an option of obtaining a compliant or a non-compliant credential and issuance is performed in two steps. Applicants would submit documents at a customer service center (CSC) but would leave with a receipt, not a credential. Verification for compliant documents would be completed at headquarters and a credential would be mailed to the customer (generally within 3 to 5 days—depending upon whether verification is necessary.) Today's one-stop shopping service delivery model will be retained and this approach is consistent with DMV's plans to implement, in fall/winter 2006, a central issuance system for DL/IDs. Preliminary estimates indicate that implementing this approach will result in one-time start-up costs of approximately \$35 million and annual recurring costs of \$5 million.⁴

Virginia should aggressively seek federal funding for implementation of the REAL ID Act. In addition, the Commonwealth should consider the potential sources of state funds that may be available to address the costs of implementing the Act, and whether the fees for DL/IDs will need to be increased.

³ Estimates for start up costs in Virginia include \$33 million for systems redesign. While DMV is already planning to redesign its systems, the REAL ID Act will necessitate redesign and require earlier implementation. This particular cost has been highlighted in this report because the Act will likely necessitate systems redesign in many, if not a majority of states. Thus, this aspect of implementation is not unique to Virginia and similar system redesign costs will have to be borne by many other states.

⁴ Estimates for start up costs in Virginia include \$33 million for systems redesign. While DMV is already planning to redesign its systems, the REAL ID Act will necessitate redesign and require earlier implementation. This particular cost has been highlighted in this report because the Act will likely necessitate systems redesign in many, if not a majority of states. Thus, this aspect of implementation is not unique to Virginia and similar system redesign costs will have to be borne by many other states.

INTRODUCTION

This report was prepared in response to Governor Mark Warner's Executive Directive 9, issued September 19, 2005⁵. This directive created a Task Force to examine the requirements and impact on Virginia of the REAL ID Act⁶. The directive tasked members with the following activities:

- Reviewing the REAL ID Act and raising public awareness about its potential impact on Virginia, including but not limited to the potential increased cost of licensure, administrative burdens on the public and businesses, and the potential benefits of the Act;
- Exploring options for compliance with the Act while protecting the security and integrity of Virginians' personal information;
- Recommending action steps to be taken at the federal and state levels to minimize the impacts of any unfunded federal mandates, remove impediments to compliance, and to ease the cost and administrative burden of the Act.
- Identifying a timeline for implementation; and,
- Recommending strategies for Virginia to take to address the Act.

The Task Force met three times during October, November, and December. This report is the culmination of those meetings.

⁵ Executive Directive 9, entitled *GOVERNOR'S TASK FORCE ON THE REAL ID ACT*, is attached to this report as appendix A.

⁶ A list of Task Force members is attached to this report as appendix B.

BACKGROUND

On May 11, 2005, President Bush signed the REAL ID Act into law⁷. This federal legislation is intended to make government-issued documents more secure to counter the threat of terrorism. The Act sets out specific requirements for state issuance of DL/IDs and will have a profound effect on state issuance of these documents.

State agencies have the option to not comply with the Act; however, effective May 11, 2008, federal agencies cannot accept state-issued credentials from states that do not meet REAL ID requirements. This means that residents of non-compliant states will not be able to use their driver's licenses to board an airplane, access federal buildings, or, perhaps, to obtain federal benefits.

Every state must certify compliance with the Act with the Secretary of Homeland Security. DHS may make grants to assist states in implementing the REAL ID Act; however, dedicated funding sources have not been identified.

The Act establishes minimum requirements for DL/IDs and issuance standards. It also sets forth requirements for verification of proof documents, capture and retention of identity source documents, physical security of DL/ID production sites and security clearance for employees who produce DL/ID documents, as well as other requirements.

Non-compliant DL/IDs must clearly indicate non-acceptability and must use a unique design or color to alert law enforcement and other officials who may use the documents that the credential is non-compliant.

A state must provide electronic access to its database to all other states. This access must include all data fields on the DL/ID and must include access to driving histories, violations, suspensions and demerit points.

The Secretary of Homeland Security has authority to issue regulations, set standards, and issue grants in consultation with the Secretary of Transportation and the states. The Secretary of Homeland Security also may grant extensions of time for meeting REAL ID Act requirements if a state provides adequate justification.

Many aspects of the REAL ID Act remain unclear and will need to be addressed in regulations. However, it is unlikely that regulations could be promulgated or finalized before late 2006 or early 2007, rendering it difficult, if not impossible, for states to implement all of the requirements by the effective date of May 11, 2008. Virginia DMV estimates that, once regulations are finalized, a minimum of two to three years will be needed to amend Virginia law and to put into place the internal programs and procedures necessary for implementing the REAL ID Act. This estimate is exclusive of all REAL ID requirements that necessitate third party cooperation and/or action.

⁷ Originally introduced as HR 418, the REAL ID Act was eventually attached to the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief 2005 (HR 1268).

In order to place the REAL ID Act into perspective, DMV examined the REAL ID Act and identified for the Task Force those requirements with which Virginia already complies and those requirements with which Virginia does not comply.

REQUIREMENTS OF THE REAL ID ACT AND VIRGINIA'S COMPLIANCE STATUS

REAL ID ACT REQUIREMENTS	DETAILS	VIRGINIA'S COMPLIANCE STATUS AND COMMENTS
MINIMUM DOCUMENT REQUIREMENTS	<ul style="list-style-type: none"> • Full legal name • Date of birth • Gender • DL or ID card number • Digital photograph • Principal residence address • Signature • Physical security features • Common machine readable technology 	<ul style="list-style-type: none"> • Virginia complies with most of the minimum document requirements and has mandatory facial image capture. • Virginia will not have ability to place full legal name on documents until new DL/ID system is implemented in fall/winter of 2006. • Although Virginia requires and stores the residence address on its database, the applicant currently may choose to display another address on the DL/ID.
MINIMUM ISSUANCE STANDARDS	<p>Presentation and verification of:</p> <ul style="list-style-type: none"> • Identity documents • Date of birth document • Social security number (SSN) or ineligibility • Principal residence address • Lawful status in the US; if status is temporary, the DL/ID must clearly indicate that it is "temporary" with the expiration date tied to the authorized stay (or one year if indefinite) 	<ul style="list-style-type: none"> • Virginia requires applicants to present proof of ID, SSN, and residency⁸. • Proof of lawful presence was implemented in 2004; but is required only for first-time DL/IDs or if a person's driver's license has expired, been suspended, revoked or cancelled. • Virginia documents indicate "temporary" using a code on the face of the DL/ID and that is decoded on the back—this may or may not satisfy the Act. • Virginia complies with the requirement that expiration date of the credential must be tied to duration of lawful presence.

⁸ Applicants for driver's licenses must provide their SSN and proof thereof, but only if they have an SSN. Applicants for ID cards are not required to provide SSN information, whether or not they have an SSN.

VERIFICATION OF PROOF DOCUMENTS	<ul style="list-style-type: none"> • DMV must verify with the issuing entity issuance, validity, completeness of each proof of identity, SSN, residence, and legal presence source document. • No foreign document—other than an official passport—may be accepted as a proof document. • State must enter into an Memorandum of Understanding (MOU) with Department of Homeland Security (DHS) for U.S. Customs and Immigration Services' Systematic Alien Verification for Entitlements (SAVE) system by September 11, 2005. 	<ul style="list-style-type: none"> • Virginia currently verifies SSN. • Virginia verifies lawful presence status with SAVE, in part. Virginia does not verify legal presence with SAVE for all non-citizen applicants—only those not grandfathered by law and questionable cases. • Virginia does not verify with the issuing entity validity of proof of identity, residence, and lawful presence source documents. In fact, systems, programs and/or electronic solutions are not in place to conduct this type of verification and the Act provides no incentives for cooperation by the public or corporate sectors. • Virginia does not accept foreign documents other than passports. • Virginia has entered into an MOU with DHS for SAVE.
SCANNING IDENTITY DOCUMENTS	<ul style="list-style-type: none"> • Capture digital images to allow for electronic retention in transferable format. 	<ul style="list-style-type: none"> • DMV does not scan or digitally capture and retain copies of source documents but will begin doing so with new central issuance system in fall/winter 2006. Currently, the type of source document presented is entered on the applicant's record.

SOURCE DOCUMENT RETENTION	<ul style="list-style-type: none"> • Retain paper copies for seven years. • Retain electronic copies for ten years. 	<ul style="list-style-type: none"> • DMV does not retain copies of source documents; but will begin doing so with new central issuance system in fall/winter 2006. Currently, the type of source document presented is entered on the applicant's record.
PROCEDURE TO VERIFY CREDENTIAL HOLDERS' INFORMATION UPON RENEWAL	<ul style="list-style-type: none"> • Establish an effective procedure to confirm or verify a renewing applicant's information. 	<ul style="list-style-type: none"> • As written, this requirement is vague, open to speculation, and will need to be addressed by regulation. For this reason, DMV's compliance status is unclear.
CONFIRMATION OF SSN OR INELIGIBILITY WITH SOCIAL SECURITY ADMINISTRATION (SSA); STATE MUST RESOLVE ISCREPANCIES	<ul style="list-style-type: none"> • Require applicants to provide proof of SSN or verification that the person is not eligible for an SSN. • Confirm SSNs presented by customers with the SSA. • If an SSN discrepancy exists, the state shall resolve the discrepancy and take appropriate action. 	<ul style="list-style-type: none"> • Virginia does not verify ineligibility for a SSN. It is unclear whether SSA currently has in place a procedure for verifying SSN ineligibility. • Virginia leaves resolution of SSN discrepancies to the individual.
CONFIRM OUT-OF-STATE LICENSE HAS BEEN OR IS BEING TERMINATED	<ul style="list-style-type: none"> • Refuse to issue a DL/ID to a person holding a driver's license issued by another state without confirmation that the person is terminating or has terminated the driver's license. 	<ul style="list-style-type: none"> • Although Virginia law prohibits an individual from holding a Virginia driver's license and driver's licenses from other states, no verification is conducted. • No system exists that would enable states to check the license status of an applicant in other states.
ENSURE PHYSICAL SECURITY OF LOCATIONS WHERE DL/IDS ARE PRODUCED	<ul style="list-style-type: none"> • Ensure the physical security of locations where DL/IDs are produced and the security of document materials and papers from which DL/IDs are produced. 	<ul style="list-style-type: none"> • Implementation of a system of central issuance for DL/IDs in 2006 will ensure physical security of the location where DL/IDs are produced.

SUBJECT PERSONS WHO PRODUCE DL/IDS TO APPROPRIATE SECURITY CLEARANCE	<ul style="list-style-type: none"> • Subject all persons authorized to manufacture DL/IDs to appropriate security clearance requirements. 	<ul style="list-style-type: none"> • Virginia conducts criminal background checks on employees who issue DL/IDs. It is not clear whether this will satisfy the security clearance requirement.
FRAUDULENT DOCUMENT TRAINING FOR EMPLOYEES WHO ISSUE DL/IDS	<ul style="list-style-type: none"> • Establish fraudulent document recognition training programs for appropriate employees who issue DL/IDs. 	<ul style="list-style-type: none"> • While Virginia provides fraudulent document training for some employees, it doesn't provide training to all employees involved in the issuance process.
PERIOD OF VALIDITY FOR NON-TEMPORARY DL/IDS	<ul style="list-style-type: none"> • Not to exceed eight years. 	<ul style="list-style-type: none"> • Under Virginia law, a DL/ID may be valid for no more than seven years.
NON-COMPLIANT DL/IDS	<ul style="list-style-type: none"> • Must clearly indicate non-acceptability. • Must be of unique design or color to alert law enforcement. 	<ul style="list-style-type: none"> • Not applicable at this time; hence, Virginia does not comply.
DL/ID DATABASE	<ul style="list-style-type: none"> • Provide electronic access to all other states. • Access must include all data fields on DL/ID. • Access must include driving histories, violations, suspensions, and demerit points. 	<ul style="list-style-type: none"> • VA DMV records are not accessible by other DMVs.

OVERALL IMPACT OF THE REAL ID ACT

Implementation of the REAL ID Act will impact individuals seeking to obtain DL/IDs and DMV's level of service and security. The Act will necessitate development of electronic data exchanges and technology by all motor vehicle agencies as well as by other government agencies and private sector organizations. Additionally, implementation of the Act will have a significant fiscal impact on Virginia.

Individuals

The REAL ID Act will affect individuals in two primary ways. First, the application and issuance process for DL/IDs will take considerably longer than the current system. Whereas customers presently can obtain a DL/ID over the counter, under REAL ID, it will take days and possibly weeks to obtain the requested credential. Additionally, customers could be required to make multiple trips to DMV in order to provide verifiable documents if the agency is unable to verify the documents initially presented by the customer.

While the extended application issuance process will be an inconvenience for most customers, it could create a hardship for customers who need a credential quickly in order to board a plane, access a federal building, or obtain federal benefits. The lengthy verification and issuance process will preclude quickly accommodating these requests.

Further, some individuals simply may not be able to provide the documents needed to comply. There are individuals who, because of mental or physical infirmities or disabilities, advanced age, or economic position, would be unable to obtain or would need additional assistance in obtaining the necessary documents to obtain a compliant credential. In addition, in times of national or state emergencies, when the need for obtaining a credential is critical, it is likely that individuals will be unable to obtain all of the documentation necessary or to wait for a compliant credential. In all of the cases above, the inability to obtain a credential would potentially pose even greater hardship on the individual, particularly if access to federal benefits is tied to compliant credentials.

The impacts on individuals will be even more significant if the list of acceptable documents is restricted, or if public and corporate sector entities are unable or unwilling to cooperate and assist DMV with the Act's requirement that documents used to prove identity, date of birth, or residency must be verified with the issuing entity.

Without a compliant DL/ID, a Virginia resident may be unable to board an airplane, access federal buildings such as court buildings, or, possibly, obtain federal benefits.

Service

The process of obtaining a DL/ID could become more like obtaining a U.S. passport—taking weeks rather than minutes. A lack of cooperation by issuing entities could hinder document verification. Customers could be required to make multiple trips to DMV to supply verifiable documents. Implementation of REAL ID also could permanently, or at least temporarily, eliminate alternative renewal options such as Internet, mail and telephone. Today 55 percent of eligible drivers renew using an alternative option.

Security

Standardized DL/ID requirements will enhance security of DMV-issued credentials and the one credential concept may prevent applicants from obtaining and retaining credentials from more than one state. However, increased information access among states as well as other information sharing necessary to comply with the Act will require effective security measures.

Privacy

Database access and information sharing may raise privacy issues. Likewise, capture and long-term retention of source documents by motor vehicle agencies could raise privacy concerns as well. Indicators on temporary documents may create privacy concerns for individuals temporarily authorized to stay in the U.S.

Technology

The Act's requirements relating to DL/ID database access among states will require development of compatible multi-state systems. Scanning and electronic retention of source documents will require development of or expansion of technology, including a significant amount of storage space.

Document verification will be burdensome and time-consuming if it is handled manually; however, the infrastructure and/or electronic systems necessary for reducing the enormous burdens and delays associated with this requirement do not currently exist and will require development. The Act does not provide mandates or incentives that will encourage private sector participation or even participation by other government agencies.

Fiscal Impact

Cost estimates for implementing the REAL ID Act vary widely. The Congressional Budget Office estimated \$120 million for implementation nationwide while the NCSL estimates between \$500 and \$700 million nationwide.

Implementation costs, however, will depend on the level of service maintained by motor vehicle agencies as well as the costs to develop and implement the technology necessary to comply with the Act. Higher quality service—meaning shorter wait-times and faster turn-around for document issuance—will, of course, result in greater fiscal impacts. Preliminary estimates for potential implementation approaches in Virginia range from

\$35 million to \$169 million for up front, start up costs, and from \$1 million to \$63 million for annual, recurring costs.⁹

Although Congress authorized federal funding, the funds allocated will not cover the costs of implementation. To date, only \$40 million dollars has been appropriated for implementation. Of that amount, \$34 million is dependent on approval of a DHS plan for implementation and \$6 million is earmarked for pilot projects to integrate hardware, software, and information management systems.

⁹ Estimates for start up costs in Virginia include \$33 million for systems redesign. While DMV is already planning to redesign its systems, the REAL ID Act will necessitate redesign and require earlier implementation. This particular cost has been highlighted in this report because the Act will likely necessitate systems redesign in many, if not a majority of states. Thus, this aspect of implementation is not unique to Virginia and similar system redesign costs will have to be borne by many other states.

KEY IMPLEMENTATION ISSUES

The Governor's REAL ID Task Force met on three occasions and focused on the most critical issues associated with implementation of the REAL ID Act. Those items in the Act that DMV has already implemented or that could be reasonably implemented in order to comply were not the focus of the Task Force. Rather, members identified and considered those items that present the most significant implementation issues, either from a policy standpoint or from a technical standpoint. The following is a list of the items that were considered by Task Force members.

Compliance: Whether Virginia DMV should (a) comply fully with the provisions and requirements of the REAL ID Act and issue only REAL ID Act-compliant DL/IDs; (b) issue only non-compliant DL/IDs; (c) issue both compliant and non-compliant DL/IDs; or (d) issue non-compliant driver's licenses and compliant ID cards.¹⁰

Grandfathering: Whether persons who currently hold a Virginia DL/ID could be grandfathered and exempted from the requirements of the REAL ID Act; (a) permanently; (b) temporarily (until time of next renewal); or (c) using a prescreening process.

Minimum document requirements: Whether and how Virginia will be able to comply with the Act's requirements pertaining to information that must be contained on a compliant credential.

"Temporary" indicator on credentials: How to clearly indicate on the face of a credential the fact that it has been issued on a temporary basis (due to the temporary nature or duration of the applicant's authorized presence in the U.S.), as required by the Act.

Verification of source or proof documents: Whether, by the effective date of the Act, May 11, 2008, the Commonwealth can or will be prepared to comply with the Act's requirement that source documents (for proving identity, date of birth, SSN, principal residence address and legal presence) must be verified with the issuing entity.

¹⁰ Reference to "non-compliant" credentials in this report refers to credentials that do not meet every requirement of the REAL ID Act, but is not intended to imply that such credentials would be issued without any issuance standards or requirements. For purposes of this report, the Task Force has assumed that "non-compliant" credentials, if issued in Virginia, would be issued under Virginia's current issuance standards.

Effective procedure to verify credential holders' information upon renewal: Whether, by the effective date of the Act, May 11, 2008, the Commonwealth can or will be prepared to comply with the Act's requirement that there be an effective procedure to verify credential holders' information upon renewal

Confirmation that out-of-state license has been or is being terminated: Whether, by the effective date of the Act, May 11, 2008, the Commonwealth can or will be prepared to comply with the Act's requirement that when issuing a Virginia credential there be confirmation that any out-of-state license held by the applicant is, or will be, terminated.

Providing other states with access to DL/ID records: Whether, by the effective date of the Act, May 11, 2008, the Commonwealth can or will be prepared to comply with the Act's requirement that Virginia provide electronic access to its DL/ID records to other states.

SSN discrepancies and letters of SSN ineligibility: Whether the Act's requirements that a state (a) obtain proof of an SSN or verify that an applicant is ineligible for an SSN; (b) confirm SSNs with the SSA; and (c) resolve discrepancies when the same SSN is registered to more than one credential holder are reasonable.

Acceptable proof or source documents: Whether federal regulations should establish an explicit list of acceptable proof or source documents or whether it is preferable for regulations to contain criteria and procedures that allow the states to make the determination of what documents can be used by residents for proving identity, date of birth, principal residence address, SSN and legal presence.

Costs of and funding for implementation: What will be the costs of implementing the REAL ID Act and how will those costs be funded?

These items or issues are discussed in more detail in the following pages. The potential impact and challenges for Virginia residents, DMV, other federal and state entities and private industry are identified and discussed to the extent possible.

It should be noted that there are currently many unknowns and unanswered questions associated with the REAL ID Act and its implementation. Language in the Act is sometimes ambiguous and subject to varying interpretations. Regulations that would define or specify the parameters and details necessary for implementation have yet to be promulgated. The foregoing has made it impossible for the Task Force to reach concrete conclusions or to develop specific recommendations in many instances.

In addition, as mentioned previously, regulations will be needed for implementation of the Act and it is not clear what progress, if any, has been made by the DHS in drafting regulations. At this point, the key provision of the Act that prohibits acceptance of a state issued DL/ID by federal agencies unless the state is meeting the requirements of the

Act, becomes effective on or about May 11, 2008. Thus, as of December 31, 2005, only 29 months remain for regulations to be drafted and to undergo the entire regulatory process, and for states to then implement the REAL ID requirements as prescribed in the regulations. Many of the requirements of the Act that must be implemented are going to require significant resources and the development of technological solutions that do not yet exist and that could take years to implement.

Thus, this report and the issues presented herein, have been prepared with the primary intent of informing the Governor and the General Assembly of the key challenges and issues that are presented by the REAL ID Act thus far. For the compliance items or issues discussed in the following pages, the Task Force has attempted to identify, where possible, what steps might be taken now and in the ensuing months to ensure that the impacts of the Act are not unduly burdensome to the Commonwealth and its residents.¹¹

¹¹ The various implementation items or issues associated with the REAL ID Act and identified by the Task Force are created or implied by one or more provisions of the Act. In order to correlate the issues with the relevant sections of the Act, the Act is set out in Appendix C along with comments that identify various implementation issues and/or Task Force recommendations. Other less significant technical and operational issues and recommendations are also noted in Appendix C.

COMPLIANCE WITH REAL ID ACT PROVISIONS

IMPLEMENTATION ISSUE:

Whether Virginia DMV should (a) comply fully with the provisions and requirements of the REAL ID Act and issue only REAL ID Act-compliant DL/IDs, (b) issue only non-compliant DL/IDs, (c) issue both compliant and non-compliant DL/IDs or (d) issue non-compliant driver's licenses and compliant ID cards.

IMPACTS AND CHALLENGES:

The outcome of this decision will impact all Virginia residents desiring, needing and/or applying for DL/IDs, whether for the first time or for renewals.

Any option will impact DMV, requiring changes in processes, changes and upgrades to DMV's driver's license and computer systems, development of new technology, staff training, re-allocation of resources, and funding. DMV would be required, for every option other than non-compliance, to implement all requirements of the Act, including the minimum document requirements, minimum issuance standards and other requirements, prior to May 2008¹². DMV would likely be able to satisfy the minimum document requirements with little impact, however, the minimum issuance standards and other requirements of the Act will require significant effort and resources in implementation. In particular, the agency would be required to collect and maintain copies of source documents for proof of identity, date of birth, SSN, principal residence and lawful presence and verify those documents with issuing entities, which might be federal or state agencies and/or private sector businesses. For the non-compliance option, DMV would be required to implement changes to its DL/IDs to satisfy the requirement that non-compliant documents have a unique design or color and clearly state that they may not be accepted by any Federal agency for federal identification or any other official purpose.

Any option involving compliance with the REAL ID Act provisions will be much more expensive than non-compliance. DMV will incur costs related to DL/ID format changes, the proof document verification process (most likely including costs for additional personnel), DMV system programming changes, and training expenses. At this time, implementation costs are unknown due to the lack of federal guidelines and regulations as specified in the Act.

Regardless of whether or not Virginia complies with the REAL ID Act, the Code of Virginia will require amendment.

The compliance options will also have varying impacts upon other state and federal agencies as well as private business. Significant impacts could be incurred by those entities that issue source documents, such as birth certificates or proof of address, and may depend on whether or not an entity cooperates in the verification process.

Compliance: If the decision is made to produce only REAL ID Act-compliant DL/IDs, DMV would be

¹² This assumes that no extensions will be granted by the Secretary of Homeland Security for some or all of the requirements of the Act. It is also likely that even if some form of grandfathering (addressed as a separate issue in this report) is adopted, DMV would still be required to have implemented all requirements by May 2008, in order to issue compliant credentials to non-grandfathered applicants.

issuing only one type of driver's license and one type of ID card. There would be no option to issue non-compliant credentials.

Under this option, there would be significant impacts and added burdens upon Virginia residents. Absent grandfathering or an exemption for existing credential holders, any Virginia resident needing or wanting a DL/ID would be required to satisfy the requirements of the Act. There are groups, however, including the elderly and those who are not lawfully present in the U.S., who would find it particularly difficult or impossible to prove citizenship or other lawful presence, and thus would be unable to obtain any DMV credential.

For this option, DMV will have to make changes to its computer system, data and document storage systems and the process used to issue DL/IDs. DMV would be required, for every credential issued, to comply with all requirements of the Act, including the minimum document requirements, minimum issuance standards and other requirements. Further, it would be expected that DMV would be under additional pressure to assist customers with compliance, particularly because there would be no option for obtaining a driver's license.

For other state and federal agencies and law enforcement, this option would offer the advantage of placing only compliant credentials in circulation.

Non-compliance: If the decision is made to not comply with the REAL ID Act, beginning on May 11, 2008, federal agencies would not be able to accept for identity or other official purposes any Virginia DL/ID. This would mean, for instance, that all Virginia residents, whether or not they have a Virginia DL/ID, would have to use another form of identity for boarding airplanes, entering federal buildings (including court houses) and other official federal purposes. Under the Act, the Secretary of the DHS has the authority to determine the official purposes for which REAL ID credentials will be required and while it is impossible to predict what those purposes will be, there are concerns that they may include benefits programs such as Medicare and Medicaid, bank identification, and even identification for federal I-9 forms required for new hires in both the public and private sectors.

Under the non-compliance option, it is not clear whether DMV would be required to change any credential or process. While the Act requires non-compliant credentials to have unique colors or designs and to clearly state that they may not be accepted by any federal agency for federal identification or any other official purpose, it is not clear whether this requirement is only applicable to a compliant program or whether it is also applicable to non-compliant programs. Arguably, a state that chooses to not comply with the REAL ID Act could not be compelled to comply with any requirement of the Act, including the requirement that dictates the appearance of non-compliant credentials.

It is assumed that current Virginia Code requirements for proof of identity, residency, SSN, and legal presence will remain in effect. Thus, the Code would require amendment under this option only if Virginia would be required to issue documents that meet the non-compliance standards set forth in the Act.

Non-compliance, while the least costly option, could require outlay of funds to redesign and implement the non-compliant DL/ID format, if mandated

Both compliant and non-compliant driver's licenses and ID cards: Under this option Virginia residents would have a choice between four credentials: compliant driver's licenses, non-compliant driver's licenses, compliant ID cards or non-compliant ID cards. In instances where a customer is unable to produce or DMV is unable to verify the necessary source documents, DMV could offer the applicant a non-compliant DL/ID. While the benefits of offering a non-compliant driver's license are obvious, (affording Virginia residents who cannot or do not wish to comply with the Act the ability to drive), there is some question as to the benefits of offering a non-compliant ID card. While a non-compliant ID card would provide an applicant with a form of ID that could be used for non-federal purposes, it is not clear how much utility would be offered by such a credential and how long such utility would persist.

Under this option, DMV would incur costs for what will be, in essence, a dual system. Unlike current

requirements, separate credential specifications and issuance standards would have to be established for compliant and non-compliant documents. A dual system would also require additional staff, training, programming and computer system enhancements.

Such a system could potentially be confusing for other state and federal agencies as well as law enforcement, requiring additional training in order to recognize and distinguish between compliant and non-compliant Virginia credentials.

Under this option, the Code of Virginia would require amendment in order to authorize, define and specify issuance requirements for both compliant and non-compliant credentials. Another issue that may arise is whether current Code requirements for DL/IDs, such as proof of identity, residency, and legal presence, should remain the same or be modified (relaxed) for non-compliant credentials.

Non-compliant driver's licenses and compliant ID cards: Under this option all driver's licenses issued in Virginia would be non-compliant with the REAL ID Act and all ID cards would be compliant. This option would afford Virginia residents who cannot or do not wish to comply with the Act the ability to obtain a driver's license and provide residents with a compliant option in the form of an ID card. Under this system there would be one form of driver's license and one form of ID card. One disadvantage of this option is that Virginia residents who drive and need a compliant credential would be required to obtain two credentials.

Unlike current requirements, this option would require different specifications and issuance standards for DL/IDs. Such a system would require additional staff, training, programming and computer system enhancements, similar to those required under the previous option.

This option has the benefit of reducing the confusion that would generate from a system in which both compliant and non-compliant DL/IDs are issued, but would likely still require additional training for other state and federal agencies and law enforcement to ensure that driver's licenses are not mistaken for compliant credentials. The disadvantage of this option is that there may be individuals, (for instance the young, elderly and individuals with certain medical impairments), who are not eligible to drive and cannot satisfy REAL ID requirements, but need some form of ID, even if it is not compliant with REAL ID. This option would deprive those individuals of the means of obtaining any DMV credential. And while it is not clear whether or how long a non-compliant ID card would have any utility, it may be too premature to assume that such a credential would not be useful to its bearer.

Under this option, the Code of Virginia would require amendment in order to authorize, define and specify the different issuance requirements for DL/IDs. Another issue that may arise is whether current Code requirements for driver's licenses, such as proof of identity, residency, SSN, and legal presence, should remain the same or be modified (relaxed).

TASK FORCE RECOMMENDATION:

VIRGINIA SHOULD COMPLY WITH THE REAL ID ACT AND IMPLEMENT A PROGRAM UNDER WHICH COMPLIANT CREDENTIALS ARE ISSUED, BUT SHOULD, AT A MINIMUM, ALSO OFFER RESIDENTS A NON-COMPLIANT DRIVER'S LICENSE.

Although the REAL ID Act does not require Virginia to issue DL/IDs under the requirements of the Act, the Act would prohibit any federal agency from accepting a credential issued by a state that does have a program that is compliant with the Act. Thus, in order to ensure that its residents are not unduly burdened, Virginia should implement a DL/ID program that meets the requirements of the Act. However, because not all Virginia residents will be able to satisfy the application requirements under the Act, Virginia should also offer a credential that is not subject to all of the Act's requirements. Because the ability to drive is so critical to many every-day life functions, it is recommended that, at a minimum, Virginia provide a non-compliant driver's license option to those applicants who are otherwise eligible for

a driver's license, but cannot meet the requirements for a compliant credential. Whether or not a non-compliant ID card would have any benefit will depend, in part, on the "official purposes" established by the Secretary of Homeland Security for which a REAL ID-compliant credential will be required.

GRANDFATHERING EXISTING CREDENTIAL HOLDERS

IMPLEMENTATION ISSUE:

Whether persons who currently hold a Virginia DL/ID could be grandfathered and exempted from the requirements of the REAL ID Act (i) permanently; (ii) temporarily (until time of next renewal); or (iii) using a prescreening process.

IMPACTS AND CHALLENGES:

Whenever any new law is enacted which impacts credentials or an existing process, it becomes necessary to determine whether those holding a current credential are exempt, will be phased in, or will be immediately impacted. This is the case with the REAL ID Act which impacts the acceptability of DL/IDs for federal purposes.

There are several provisions in the Act which are relevant to this question.

Section 202 (a)(1) of the Act provides: "Beginning 3 years after the date of the enactment of this division, a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of this section."

Section 202 (b) and (c), when specifying requirements under the act for credentials and the issuance process, appears to apply the requirements to credentials that are to be issued by the state and not necessarily to the credentials that are to be accepted by federal agencies.

Finally Section 202 (d) specifies that states are to establish an effective procedure to confirm or verify a renewing applicant's information.

If the above language is interpreted to mean that the Act's requirements must be applied to any credential before it will be accepted by federal agencies or for official purposes, then existing credential holders will be required to obtain a new DL/ID under the standards of the Act in order for it to be accepted, for instance, in boarding an aircraft or entering a federal facility, such as a courthouse. However, this language could also be interpreted to mean that a state need only to have implemented processes to comply with the Act, but not every credential will have to have been re-issued under the Act's requirements by May 2008 in order to be accepted for an official purpose. As long as a state has implemented a compliant program, application of the grandfathering concept would allow federal entities to accept a credential issued prior to the Act's effective date, either permanently or until some future date, such as the credential's expiration date.

The interpretation of this language has a significant bearing on the impacts associated with implementing the requirements of the Act. If the language is interpreted to mean that a credential must have been issued under the Act's requirements, then this will mean that existing credential holders will have to immediately come to DMV and be issued a new credential before it will be accepted. If, however, this language authorizes acceptance of any credential issued by a compliant state, then this would eliminate the need for existing credential holders to immediately replace their DL/ID.

Permanent Grandfathering

In 2003, legislation was enacted in Virginia, requiring applicants for DL/IDs to provide proof of lawful presence in the U.S. This new law allowed for permanent grandfathering of existing credential holders by

creating the presumption that a person who already held a DL/ID had satisfied the legal presence requirement.

It is arguable that the language in the REAL ID Act mentioned above would allow for permanent grandfathering (in essence, an exemption) of existing credential holders, allowing them to forego the requirements of the Act when renewing their credential. The advantages of this option are obvious. This would mean that existing credential holders would not be required to satisfy the requirements of the Act and could continue to renew their DL/IDs as they had done in the past. Those who might not be able to meet the requirements of the Act but who have held a credential for years, would not suffer the possibility of being unable to renew, thereby losing their driving privilege or an important form of ID. In addition, existing credential holders could avoid the delays associated with presenting and verifying source documents for proof of identity, date of birth, SSN, residence address and legal presence.

Permanent grandfathering would also alleviate significant implementation issues for DMV. Without permanent grandfathering, alternative forms of renewal, such as mail and Internet, would be eliminated at least for the first renewal cycle after May 2008. Permanent grandfathering would allow alternative renewal methods to continue uninterrupted. This would reduce additional staffing that would be needed for implementation of the Act, reducing costs of implementation, as fewer applicants would be subject to the requirements of the Act, particularly presentation and verification of source documents.

It is not clear whether permanent grandfathering is consistent with the intent of the legislation. If adopted, permanent grandfathering could negatively impact security and may hinder detection of fraud committed in the issuance of a previous credential. Permanent grandfathering would also result in the circulation of two sets of compliant documents for decades, those issued under REAL ID standards and those issued under prior standards.

Temporary Grandfathering

Under temporary grandfathering, existing credential holders would not be required to obtain a document issued under the Act's standards until their existing DL/ID expired. Under temporary grandfathering, most existing credential holders would have time to plan for satisfying the Act's requirements by obtaining and gathering the necessary source documents. In the period between the time the Act becomes effective (May 2008) and their existing credential expired, their credential could be accepted for purposes of boarding an airplane or accessing a federal facility. It should be noted, however, that under temporary grandfathering, there will be existing credential holders who would be immediately impacted as their credentials will expire within days of the effective date of the Act.

While there would be cost savings associated with implementing REAL ID if temporary grandfathering is permitted, the cost savings associated with temporary grandfathering would not be as significant as those associated with implementation of a system that allows for permanent grandfathering. This is due to the fact that for the first renewal cycle after the effective date of the Act, alternative forms of renewal would not be available. Thus, while DMV would not expect an immediate rush of all existing document holders that needed a compliant credential as might be expected if no grandfathering occurs, DMV would be unable to offer alternative methods to any credential holder renewing for the first time after the effective date of the Act.

If adopted, temporary grandfathering could negatively impact security and may hinder detection of fraud committed during the issuance of a previous credential, but only for the first several years after the effective date of the Act. Since existing credential holders would eventually be required to comply with the requirements of the Act, issues of security and prior fraud would eventually be addressed. As with permanent grandfathering, two sets of compliant credentials would be in circulation, but only for several years.

Grandfathering through prescreening

Under this grandfathering concept, information contained in the records of existing credential holders would be prescreened through electronic verification using systems currently in existence. Specifically, once the Act becomes effective, information (such as an SSN) in the records of an existing credential

holder would be electronically verified and if the verification is successful, then the credential holder would be entitled, at time of renewal, to obtain a compliant credential without having to satisfy all requirements of the Act. This form of grandfathering would permit existing credential holders to renew an existing credential by alternative means (mail or internet) for the first time after the effective date of the Act, and yet obtain a compliant credential.

This form of grandfathering would minimize the impact of the REAL ID Act on existing credential holders, not requiring presentation and verification of multiple forms of source documents in order to obtain a fully compliant credential. Further, utilization of this process would permit an existing credential holder to renew and obtain a compliant credential by alternative renewal methods, even for the first renewal after the effective date of the Act.

The costs associated with implementing the prescreening form of grandfathering would likely be more significant than permanent grandfathering, where no prescreening is conducted, but less significant than the costs associated with a program that permits only temporary grandfathering. While there would be additional costs associated with prescreening, it is assumed that the information that must be verified under prescreening would be less than the information that would have to be verified and stored under a purely temporary grandfathering process, where ultimately, all credential holders would eventually be required to submit source documents for identity, date of birth, SSN, legal presence and address, and DMV would be required to store those documents and verify them with the issuing entities. Under the prescreening process, even for the first renewal cycle after the effective date of the Act, alternative forms of renewal would be available.

This form of grandfathering offers more security and fraud protection than permanent grandfathering, since information contained in an existing credential holder's record will be verified.

TASK FORCE RECOMMENDATION:

VIRGINIA SHOULD ADVOCATE REGULATIONS THAT WILL PERMIT GRANDFATHERING OF EXISTING CREDENTIAL HOLDERS, ALLOWING THOSE INDIVIDUALS TO BE ISSUED COMPLIANT DOCUMENTS WITHOUT HAVING TO SATISFY THE REQUIREMENTS OF THE ACT.

Virginia should advocate for an interpretation of the Act and promulgation of regulations that would allow for permanent grandfathering, whereby existing credential holders could obtain compliant credentials without ever having to satisfy the requirements of the REAL ID Act. The Task Force acknowledges that permanent grandfathering may be contrary to the purpose of the Act, enhancement of security. Thus, if it appears that Congress and/or regulators are not willing to adopt permanent grandfathering, then a prescreening form of grandfathering, that provides for issuance of a compliant credential if information in the record of an existing credential holder is successfully verified using existing electronic verification systems, should be advocated. Only if Congress and regulators refuse to agree to permanent and prescreening forms of grandfathering, should Virginia advocate for temporary grandfathering, which would allow existing credential holders to use their credentials for federal purposes until natural expiration, at which time a compliant credential could only be obtained by means of a fully compliant issuance process.

MINIMUM DOCUMENT REQUIREMENTS

IMPLEMENTATION ISSUE:

Whether and how Virginia will be able to comply with the Act's requirements pertaining to information that must be contained on a compliant credential.

IMPACTS AND CHALLENGES:

Full compliance with the REAL ID Act will require DMV to implement changes to the physical card issued to individuals who obtain a Virginia DL/ID. The Act requires the following nine items to be displayed on REAL ID compliant DL/IDs:

- 1) The person's full legal name.
*Virginia already requires applicants to provide the full legal name and this name is captured in DMV records. It is, however, truncated on the face of the credential if it has more than 35 characters. When DMV transitions to central issue of documents, one of the requirements of the vendor will be to accommodate 125 characters on the face of the card so DMV will have the capability to display any applicant's full legal name.*¹³
- 2) The person's date of birth.
Virginia complies with this requirement.
- 3) The person's gender.
Compliance with this requirement will be mandated as part of the implementation of central issue.
- 4) The person's driver's license or identification card number.
Virginia complies with this requirement.
- 5) A digital photograph of the person.
Virginia complies with this requirement.
- 6) The person's address of principal residence.
Based on Va. Code §46.2-342 Virginia would not be in compliance with this requirement, as this section allows citizens, once they have provided proof of their residence address (which is maintained on DMV's records), to display an alternate Virginia address on their DL/IDs.
- 7) The person's signature.
Virginia complies with this requirement.
- 8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.
Compliance with this requirement will be mandated as part of the implementation of central issue.
- 9) A common machine-readable technology, with defined minimum data elements.
Compliance with this requirement will be mandated as part of the implementation of central issue.

¹³ DMV will be implementing a central issuance system for DL/IDs as a security enhancement and fraud prevention measure. It is anticipated that central issuance system will be implemented in the fall of 2006, prior to the effective date of the REAL ID Act.

Though most of the requirements are either already met on Virginia's current cards or will be met when Virginia transitions to central issue, display of principal residence on the credential itself could pose a hardship or present safety and privacy concerns for many Virginia residents.

Virginia code section §46.2-342 currently requires applicants for DL/IDs to provide acceptable proof of their Virginia residential address. Once they have done so, they are permitted, by law, to display an alternate Virginia address on their DL/ID rather than their residence address. This allowance was made to provide for enhanced privacy and personal safety.

Under the REAL ID Act, the requirement that the residential address be displayed on the credential could pose a hardship to individuals, such as victims of stalkers or domestic abuse, who, for their own safety, need to keep their addresses private. As currently written, the Act would force individuals in these situations to display their residence address on their DL/ID.

It is assumed that this requirement was included in the Act to ensure that law enforcement and other entities would be able to determine the bearer's residence when looking at the credential. However, consideration should be given to the fact that law enforcement and other governmental entities are currently able to gain access to DMV records or information for official purposes, and therefore, are able to gain access to residence addresses. This calls into question whether it is necessary to put residents at risk by displaying the residence address on the credential.

TASK FORCE RECOMMENDATION:

VIRGINIA SHOULD SEEK AMENDMENT OF THE ACT THAT WOULD PERMIT THE DISPLAY OF A NON-RESIDENTIAL ADDRESS ON A COMPLIANT CREDENTIAL IN CERTAIN CASES.

As currently drafted the REAL ID Act requires display of the bearer's residential address on a compliant DL/ID. This requirement could jeopardize the personal safety of individuals, particularly those who have been victimized by stalkers or as a result of domestic abuse. The Task Force recommends that the Act be revised, or if possible, promulgation of regulations, to provide for an opt-out, that allows applicants to choose to display a non-residential address on the credential or, at a minimum, to provide for exceptions to this requirement in cases where indiscriminate disclosure of a person's residential address could jeopardize the personal safety or well-being of the credential bearer or their family. Under any such revision, it is recommended that the issuing agency be permitted to display a valid in-state mailing address on the credential and be required to maintain each individual's principal residential address in its records, implementing systems that would allow law enforcement access to database bearing all addresses.

“TEMPORARY” INDICATOR ON CREDENTIALS

IMPLEMENTATION ISSUE:

How to clearly indicate on the face of a credential the fact that it has been issued on a temporary basis, (due to the temporary nature or duration of the applicant’s authorized presence in the U.S.), as required by the Act.

IMPACTS AND CHALLENGES:

Under the provisions of the REAL ID Act, a credential issued to an applicant who is authorized to be in the U.S. for a limited duration, must contain an expiration date tied to the applicant’s authorized stay and must clearly indicate that it is temporary. By indicating the temporary status of a DL/ID, it is possible that affected individuals may undergo increased scrutiny or suffer discrimination in certain situations. The challenge in implementing this requirement will be to comply with the legislation without unduly or unfairly impacting affected individuals or creating an opportunity for profiling or discrimination.

Another challenge is the avoidance of the word “temporary.” Generally, in the driver’s licensing community, when temporary documents are issued, additional information or fulfillment of some requirement, such as completion of a driver’s education course, is pending. Further, existing federal laws/regulations prohibit the issuance of temporary Commercial Driver’s Licenses (CDLs). Although temporary documents issued pursuant to the REAL ID Act would not technically meet the federal definition of temporary for purposes of CDLs, to issue a CDL that displays the word “temporary” may create confusion.

There is some question as to whether this requirement is necessary to enhance security. All credentials will be required to bear expiration dates and in order to maximize security, those who are examining credentials for official purposes should always review the expiration date, whether or not a credential is identified as temporary. If this requirement remains in place, it will be necessary to communicate to law enforcement and other governmental entities how temporary status is indicated on credentials.

OTHER COMMENTS:

In January 2004, after consulting with community leaders, the Virginia DMV implemented a statutory legal presence requirement and adopted a policy for indicating the temporary status of DL/IDs issued for a limited duration coinciding with the applicant’s authorized stay in the U.S. The primary objective was to utilize a discreet method for indicating the temporary nature of a credential that also satisfied the requirements of the new law. Ultimately, DMV adopted a coding system in which a numeric code (the number 9) is displayed on the face of the temporary credential. The number 9 is then decoded on the back of the driver’s license or ID card with the following verbiage “limited duration (see expiration date on front).”

TASK FORCE RECOMMENDATIONS:

REGULATIONS SHOULD AUTHORIZE A DISCREET METHOD FOR INDICATING THE TEMPORARY NATURE OF A CREDENTIAL WHEN THE EXPIRATION DATE MUST BE TIED TO APPLICANT’S AUTHORIZED STAY IN THE U.S., IN LIGHT OF THE QUESTIONABLE UTILITY OF SUCH AN INDICATOR AND THE POTENTIAL FOR PROFILING OR DISCRIMINATION.

The primary objective of this recommendation is to ensure that the opportunities for profiling and discrimination are minimized. It is the consensus of the Task Force that it is unnecessary to require

display of a temporary indicator on temporary documents when all credentials will bear an expiration date. If the temporary indicator requirement persists, however, the Task Force would encourage a method similar to that utilized by Virginia DMV when Va. Code § 46.2-328.1 (the legal presence requirement for issuance of driver's licenses and ID cards) was implemented. Specifically, DMV adopted a coding system in which a numeric code (the number 9) is displayed on the face of the temporary credential. The number 9 is then decoded on the back of the DL/ID with the following verbiage "limited duration (see expiration date on front)."

VERIFICATION OF PROOF OR SOURCE DOCUMENTS

IMPLEMENTATION ISSUE:

Compliance with the REAL ID Act will require that DMV implement a process to verify, with the issuing entity, “the issuance, validity, and completeness” of each source document required to be presented under the Act. The issues presented by this requirement are many and include (i) what will be acceptable measures or processes for verification; (ii) whether different verification standards or processes can be utilized for individuals who already hold Virginia credentials; and (iii) whether issuing entities will be motivated or compelled to cooperate in the verification process.

IMPACTS AND CHALLENGES:

The outcome of the various issues presented by this requirement will impact all Virginia residents desiring, needing and/or applying for DL/IDs, whether for the first time or for renewals. Under this requirement, an individual will be required to provide proof of identity, date of birth, principal residence address, SSN and lawful presence in the U.S. and wait until these documents are verified with the issuing source. The wait could be minutes, hours or days and will depend on the processes that will be used to verify as well as the speed with which the verifying entity responds. It is possible that the applicant whose document cannot be positively verified will have to return to DMV to provide additional documents of proof. For all of these reasons, it is not likely that application and receipt of a compliant credential will occur during the same visit to DMV and an applicant will either have to return a second time or receive a credential via the mail. This requirement will likely result in heightened privacy concerns, regardless of the method used to verify, due the increased traffic in documentation or information containing personal data.

DMV will be required to verify with the issuing entity all documents presented by the applicant to prove identity (name and date of birth), SSN, principal residence address, and legal presence. At this point, other than federal systems that have been established for verification of SSNs and lawful presence status for non-citizens (SAVE), there are no known systems in existence that would appear to satisfy the verification requirement set out in the Act. Lacking an automated verification methodology, DMV would have to obtain additional personnel and equipment necessary to verify the documents individually and manually through telephone contact, fax, or other such methods. This requirement will result in delays in issuing credentials and will require motor vehicle agencies to either implement a process in which customers must return at a later date to receive a credential, or credentials are mailed to customers, once verification has been achieved.¹⁴

The following source documents must be verified under the Act:

Identity: currently there is no automated system in effect to verify identity documents such as a passport or birth certificate, nor is any entity that issues these documents under any mandate or obligation to verify.

Date of Birth: currently there is no automated system in effect to verify date of birth, nor is any entity that issues date of birth documents under any mandate or obligation to verify.

¹⁴ It should be noted that DMV will be implementing a central issuance system for driver's licenses and ID cards as a security enhancement and fraud prevention measure. It is anticipated that the central issuance system will be implemented in the fall of 2006, prior to the effective date of the REAL ID Act.

SSN: currently, the SSA does have in place an electronic system to verify SSNs and, provides states with verification services if the state will execute an agreement and agree to submit transaction fees.

Lawful Presence: currently, the U.S. Customs and Immigration Service (USCIS- now housed in the DHS) operates an electronic system for verification of the documentation and lawful presence of non-citizens.¹⁵ However, no system currently exists for verification of documents proving U.S. citizenship, such as birth certificates or passports, nor does the act compel or obligate the issuing entities to verify.

Principal Residence: generally, the documentation that today is used to prove residence originates from a variety of public and private sources, such as schools, taxing entities, utility companies, rental companies and financial institutions. The variety of sources and the need to rely on private entities as sources for proof of residence/address render this aspect of verification particularly vexing.

Any entity that issues source documents may be impacted by the Act, although it does not appear that cooperation by issuing entities is mandated by the Act. Thus, the pressures for cooperation will likely generate from the states, either in the form of mandates or incentives.

What will be acceptable measures or processes for verification:

Based on the current language in the Act, which requires the issuing entity to verify the issuance, validity and completeness of a source document, it would appear that the issuing entity will be required to examine the source document itself, or a copy, in order to perform verification. This will create the potential for added delays and involve mailing of source documents or development of systems that enable electronic transmission of source documents to the issuing entity.

If it is determined that the Act does not require actual examination of a source document, but would allow the issuing entity to verify information associated with a source document, then processes and systems that enable electronic transmission of source documents would be the most efficient approach to this requirement. Today, the models for such a system exist in the on-line verification system implemented by the SSA ("SSOLV") and the SAVE program implemented by the Immigration and Naturalization Service (INS) and now administered by the USCIS. It should be noted that even with use of on-line or electronic systems delays can still be anticipated in the verification process. Further, the development of any new systems will require cooperation on the part of issuing entities and funding, neither of which are mandated by the Act.

Another possible solution to the verification requirement would be "substitute verification" which would allow information brokers or clearinghouses, to verify various types of information on behalf of issuing entities. In order to be effective, such a solution would necessitate cooperation by numerous issuing entities, despite the lack of a mandate in the Act.

Another option or alternative to verification would be authentication of documents. Rather than requiring that an issuing entity verify the validity and completeness of the documents it issues, an alternative would be to allow a state to use current systems that perform authentication of documents by automated means. These systems do not verify with the issuing entity, but rather, are programmed to recognize valid documents and to detect counterfeit and altered documents.

All of the above options or approaches to verification will still introduce delays into the issuance process for DL/IDs. As electronic solutions increase, and the number of issuing entities that must be contacted decrease, the delays associated with verifying an applicant's source documents could be expected to decrease.

DMV will be required to implement a process to satisfy the verification requirement, and at this point, with the exception of SSOLV and SAVE, there appear to exist no viable options or solutions. Any such system or process will be costly and require significant time to develop and implement. It should be

¹⁵ Virginia has entered into an agreement for SAVE, currently utilizes the system for verification of lawful presence documents, and pays a transaction fee for each inquiry submitted.

emphasized that the potential numbers of entities that issue source documents are many and therefore, may require the development and implementation of many different systems, thereby adding to the cost of implementing the verification requirement.

Whether different verification standards or processes can be utilized for individuals who already hold Virginia credentials:

Another option for verification would be to allow persons who already have a Virginia credential to undergo a verification process that would allow for verification of minimal information that already exists on their DMV record and not require presentation or verification of actual source documents. For instance, the photo image and SSN numbers already existing on the credential holder's record could be verified and the new credential mailed to the address of record.

It is not clear whether federal regulators would agree that such an option would be permissible under the Act and/or whether federal legislators would agree to this approach.

Whether issuing entities will be motivated or compelled to cooperate in the verification process:

As discussed previously, implementation of this requirement will require cooperation on the part of entities that issue source documents for proof of identity, date of birth, SSN, principal residence address and legal presence. These entities include federal agencies, state agencies, and private entities. Nothing in the REAL ID Act requires or provides incentives to the verifiers to cooperate or participate in the verification process. While any such requirement could be legislated at the state level, no state law could effectively require cooperation on the part of federal entities or other state entities.

TASK FORCE RECOMMENDATION:

IMPLEMENTATION OF ANY PROVISION OF THE REAL ID ACT FOR WHICH INFRASTRUCTURE AND/OR ELECTRONIC SOLUTIONS DO NOT CURRENTLY EXIST MUST BE DELAYED UNTIL NECESSARY INFRASTRUCTURE AND SYSTEMS ARE DEVELOPED AND IN PLACE.

FURTHER, VIRGINIA SHOULD ADVOCATE FOR MODIFICATION TO THE ACT AND FOR REGULATIONS THAT AUTHORIZE USE OF ALTERNATIVE APPROACHES TO VERIFICATION, IF SYSTEMS FOR VERIFICATION WITH THE ISSUING ENTITY ARE NOT CURRENTLY IN PLACE:

- FOR IDENTITY, DATE OF BIRTH, LEGAL PRESENCE DOCUMENTS (CITIZENSHIP), USE OF AUTOMATED AUTHENTICATION DEVICES SHOULD BE PERMITTED, IN LIEU OF VERIFICATION WITH THE ISSUING ENTITY

Verification for identity documents, date of birth documents and citizenship documents would require verification with a multitude of entities, such as every state's vital statistics agency, federal agencies such as the Department of Defense and the Department of State, and foreign governments (for foreign passports) and establishing verification programs with these entities will take many years or may even prove to be impossible—as cooperation is not mandated.

- FOR PRINCIPAL RESIDENCE, ONLY PRESENTATION OF THE SOURCE DOCUMENT SHOULD BE REQUIRED, VERIFICATION WITH THE ISSUING ENTITY SHOULD BE ELIMINATED.

Private entities often are the entities that issue the most current source documents for proof of address. However, under the REAL ID Act, there is no requirement that issuing entities participate in the verification process. There may be restrictions on the dissemination or verification of customer information contained in the records of these entities. It is likely that private entities that issue address source documents would strongly resist any effort to require their participation in the verification process.

EFFECTIVE PROCEDURE TO VERIFY CREDENTIAL HOLDERS' INFORMATION UPON RENEWAL

IMPLEMENTATION ISSUE:

Whether, by the effective date of the Act, May 11, 2008, the Commonwealth can or will be prepared to comply with the Act's requirement that there be an effective procedure to verify credential holders' information upon renewal. This issue may turn on the interpretation of the language in section 202 (d)(4) of the REAL ID provisions, which states that a state must, in the issuance of DL/IDs, establish an effective procedure to confirm or verify a renewing applicant's information.

IMPACTS AND CHALLENGES:

The language in Section 202(d)(4) of the Act, which requires that a state establish "an effective procedure to confirm or verify a renewing applicant's information" is subject to interpretation and could provide an opportunity for flexibility in the REAL ID requirements that are imposed upon renewing applicants. This language could be construed to apply to persons who are renewing DL/IDs only once they have been issued a compliant credential under the standards and requirements of the Act. Alternatively, this language could be construed to apply to persons who are renewing DL/IDs that existed prior to the Act's effective date, thus implying that pre-existing credential holders are not subject to all of the new requirements imposed by the Act¹⁶.

If this language is construed to apply only to applicants who are renewing DL/IDs that have been issued under the requirements of the Act, then relevant regulations will impact only individuals who wish to renew compliant documents. In such a case, there are certain types of information that will generally not change (such as citizenship or identity) and thus, it would be redundant to continue to verify such information.

If this language is construed to also apply to any applicant who currently holds a credential, then relevant regulations could be written to provide for procedures that are less stringent than those generally required under the Act. These procedures and requirements could potentially be very minimal, such as only requiring SSN verification or proof of ineligibility.

The interpretation of this language and the regulations that are subsequently promulgated will determine the processes that will have to be implemented by DMV for renewing credentials and the resources that will have to be dedicated to these processes. As the requirements for renewals and numbers of individuals subject to those requirements are minimized, the costs incurred and resources that must be dedicated to renewals will decrease. In particular, if regulations allow for processes that do not require in-person renewals, then renewal by alternative means (mail, telephone or the Internet) could either continue uninterrupted, or could be made available to applicants once they have obtained a compliant credential.

¹⁶ Such an interpretation would support the concept of permanent grandfathering, discussed in the issue statement regarding grandfathering.

TASK FORCE RECOMMENDATION:

VIRGINIA SHOULD ADVOCATE REGULATIONS THAT AUTHORIZE USE OF CURRENTLY AVAILABLE PROCEDURES FOR VERIFYING INFORMATION OF EXISTING CREDENTIAL HOLDERS AT TIME OF RENEWAL AND TO NOT REQUIRE SUBMISSION OF THESE CREDENTIAL HOLDERS TO THE FULL REQUIREMENTS OF THE ACT.

If ultimately, permanent grandfathering is not authorized under the regulations, this recommendation would provide an alternate means for existing credential holders to obtain compliant credentials at time of renewal. Rather than require existing credential holders to submit to all requirements under the Act, a state should be permitted to use currently available verification methodologies for verifying information of renewing applicants, such as verifying SSNs with the SSA, and mailing the credential to the address on record.

CONFIRMATION OUT OF STATE LICENSE HAS BEEN OR IS BEING TERMINATED

IMPLEMENTATION ISSUE:

Whether, by the effective date of the Act, May 11, 2008, the Commonwealth can or will be prepared to comply with the Act's requirement that when issuing a Virginia credential there be confirmation that any out-of-state license held by the applicant is, or will be, terminated.

IMPACTS AND CHALLENGES:

This requirement would impact individuals seeking to obtain a compliant DL/ID. Applicants would be unable to receive a compliant document unless Virginia DMV confirms that the applicant's out-of-state license(s) are or will be terminated. If one or more jurisdictions chooses not to comply with REAL ID and refuses to confirm termination of its driver's licenses, then absent some sort of waiver by regulations or otherwise, a new Virginia resident who holds a credential from an uncooperative jurisdiction will be unable to obtain a compliant credential.

Currently Virginia and most other states inform each other when they have issued a DL/ID to an individual that is licensed in another state. Generally, these notifications occur, however, only if the customer has presented an out of state driver's license. There currently is no system available that contains licensure status of individuals in every jurisdiction.

There are two methods for license surrender notification that are utilized today—mail the physical license back to the state of issuance or the mail monthly/quarterly reports containing a list of licenses surrendered. In both cases, records require individual manual update. Thus, while most states currently notify each other when out-of-state driver's licenses are surrendered by applicants, there is no real-time automated mechanism available for states to confirm that the surrendered license has been terminated.

Thus, the lack of a system in which all driver information and license status can be accessed and the lack of a system which would allow for real-time automated termination of out-of-state driver's licenses, would render compliance with this aspect of REAL ID labor intensive, subject to excessive delays, costly and virtually impossible.

Requiring actual confirmation of surrender or termination will require new processes or systems, the impact of which will be determined by whether such processes or systems are manual or electronic and/or are implemented on a state-by-state basis or through a centralized/uniform system. Centralized electronic systems that do not require individualized implementation with 50 other jurisdictions will result in the least impact on DMV and individuals seeking compliant credentials. The costs and resources necessary for DMV to implement or subscribe to centralized systems will be significantly less than those associated with developing and utilizing individual systems with 50 other jurisdictions. And obviously, electronic systems will reduce the costs and delays of surrender confirmation that would be associated with manual systems.

Several years ago, the AAMVA began exploring the possibility of establishing a national database that would essentially provide all of the functions necessary for REAL ID compliance. All states were asked to provide estimates of implementation and on-going costs of a Driver Record Information Verification System (DRIVERs). At the time, the cost of such a system was deemed too expensive without federal funding.

Without the benefit of an automated national system, the states cannot comply with this requirement. Additionally, if a system were to be created, development and implementation would exceed the May 2008 deadline.

TASK FORCE RECOMMENDATION:

IMPLEMENTATION OF ANY PROVISION OF THE REAL ID ACT FOR WHICH INFRASTRUCTURE AND/OR ELECTRONIC SOLUTIONS DO NOT CURRENTLY EXIST MUST BE DELAYED UNTIL NECESSARY INFRASTRUCTURE AND SYSTEMS ARE DEVELOPED AND IN PLACE.

VIRGINIA SHOULD ADVOCATE FOR AMENDMENT TO THE ACT OR REGULATIONS THAT ALLOW THE CURRENT NOTIFICATION PROCESS UTILIZED BY VIRGINIA TO SATISFY THE REQUIREMENT THAT WHEN ISSUING A DRIVER'S LICENSE THERE BE CONFIRMATION THAT AN OUT OF STATE LICENSE HELD BY AN APPLICANT HAS BEEN OR WILL BE TERMINATED.

Currently, there is no program or infrastructure in place for any state to reasonably determine whether an applicant has one or more driver's licenses in another state, other than by relying on disclosure by the applicant. If an applicant discloses that the applicant has a driver's license in another state, the applicant is required to surrender the driver's license and Virginia DMV notifies the state of issuance that the license was surrendered and a Virginia license issued to the applicant. This is currently the only practicable method available to states to ensure that other states' driver's licenses held by applicants are cancelled or terminated.

PROVIDING OTHER STATES WITH ACCESS TO DRIVER'S LICENSE AND ID CARD RECORDS

IMPLEMENTATION ISSUE:

Whether, by the effective date of the Act, May 11, 2008, the Commonwealth can or will be prepared to comply with the Act's requirement that Virginia provide electronic access of its DL/ID records to other states.

IMPACTS AND CHALLENGES:

The REAL ID Act does not explicitly state the purpose for allowing other states to access Virginia's DL/ID records. Based on the stated purpose of the REAL ID Act, it is presumed that the intent is to ensure that an individual does not have multiple credentials from multiple jurisdictions. However, if access is ultimately used to ensure that a driver is not suspended or revoked in another jurisdiction, then such a use could exceed the purposes authorized under the Act. For purposes of its review, the Task Force has assumed that the intent of this requirement is to ensure that a person has a compliant credential from only one jurisdiction. If any other purpose is assigned to this requirement, then there would be additional impacts upon individuals and credential issuing agencies.

Individuals seeking compliant credentials will be impacted by this requirement, as presumably issuance of a compliant credential will in some way be tied to information obtained from other state records. Although Virginia participates in the National Driver Register (NDR), a system that provides only adverse information about drivers, depending upon the nature of the inquiry and the speed with which information is obtained and issues resolved, the REAL ID Act requirement could increase the amount of time it takes the typical, unrevoked/unsuspended applicant to receive a compliant document. This aspect of the REAL ID Act also presents privacy issues. It is anticipated that individuals may experience reduced levels of privacy if privacy laws of an accessing state are less stringent than Virginia law governing the privacy of driving records.

This requirement will result in implementation and administrative costs for Virginia. Implementation costs will be incurred for programming and development of new methods or technologies or modifications to existing methods or systems. It is a misconception that there currently exists a national database of drivers. There are two national driver-related systems available—the NDR and the Commercial Driver License Information System (CDLIS). Both of these systems, however, are extremely limited in their information and capabilities. Neither of these systems maintain any information as it relates to the issuance of identification cards.

The NDR houses the name, driver's license number, and date of birth of all drivers that are suspended or whose record contains adverse data such as DUI convictions. If a state inquires on a record that is housed in NDR, this system points them to the actual state of record. A subsystem of NDR—the Problem Driver Pointer System (PDPS)—then sends the record to the state of inquiry. This system does not provide any update capabilities—only inquiry.

CDLIS contains the records of all licensed commercial motor vehicle drivers. Records maintained by CDLIS can be accessed in real-time, but update can take up to 30 days. Due to system function and capacity limitations, it cannot be expanded to maintain records of all licensed drivers.

Several years ago, AAMVA began exploring the possibility of establishing a national database that would essentially provide all of the functions necessary for REAL ID compliance. All states were asked to provide estimates of implementation and on-going costs of a Driver Record Information Verification

System (DRIVERs). At the time, the cost of such a system was deemed too expensive without federal funding.

The costs and time necessary for implementing this requirement will be extreme if implementation and administration are done on a state-by-state basis. Under such a scenario, if a customer is surrendering a DL/ID from another state it would be relatively simple to access that state's records, however, accessing records in 50 other jurisdictions would be unduly burdensome. Doing so would overwhelm the network as well as our own system. A system that will allow for a uniform or centralized exchange of information will be more cost effective and will be less burdensome to administer long term and will be necessary if states are expected to make inquiries regarding driving records in 50 other jurisdictions.

Without the benefit of an automated national system, the states cannot comply with this requirement. Additionally, if a system were to be created, development and implementation would exceed the May 2008 deadline.

Regardless of the manner in which this requirement is implemented, it is likely that processing DL/ID transactions will take more time and require additional resources; the extent of these impacts will ultimately be determined by the system or methods utilized.

TASK FORCE RECOMMENDATION:

IMPLEMENTATION OF ANY PROVISION OF THE REAL ID ACT FOR WHICH INFRASTRUCTURE AND/OR ELECTRONIC SOLUTIONS DO NOT CURRENTLY EXIST MUST BE DELAYED UNTIL NECESSARY INFRASTRUCTURE AND SYSTEMS ARE DEVELOPED AND IN PLACE.

VIRGINIA SHOULD ADVOCATE FOR REGULATIONS THAT MANDATE THAT THE FEDERAL DRIVER'S PRIVACY PROTECTION ACT AND THE PRIVACY LAWS OF THE SOURCE STATE REMAIN APPLICABLE WHEN INFORMATION CONTAINED IN DRIVING RECORDS IS ACCESSED BY OTHER STATES.

SOCIAL SECURITY NUMBER DISCREPANCIES

IMPLEMENTATION ISSUE:

Whether the Act's requirements that a state (i) obtain proof of an SSN or verify that an applicant is ineligible for an SSN; (ii) confirm SSNs with the SSA; and (iii) resolve discrepancies when the same SSN is registered to more than one credential holder, are reasonable.

IMPACTS AND CHALLENGES:

These requirements will impact any applicant who does not have an SSN, any individual whose name, date of birth and SSN do not verify with the SSA, and any applicant whose SSN is being used by another individual who holds either a DL/ID in any other jurisdiction.

Applicants who have never been issued an SSN will be impacted by the requirement that any individual who does not have an SSN must provide proof of SSN or a letter of ineligibility from the SSA prior to obtaining a credential. This, in essence, imposes a requirement that anyone applying for a compliant credential must have an SSN or be ineligible to receive one. Under current Virginia law, an applicant for a driver's license is not required to have an SSN, but is required to provide proof of their SSN if they have one. Currently, there seems to be no uniform solution or method for providing letters of ineligibility. For this requirement to be uniformly implemented, the SSA will need to have consistent processes in place for the issuance and verification of letters of ineligibility in all jurisdictions.

Virginia DMV confirms each applicant's full SSN, date of birth and name with the SSA when an SSN is provided in the application process. Therefore, Virginia already has in place the procedures necessary for compliance with confirmation of SSN requirement. However, in the event that an SSN provided by an applicant does not verify with the SSA today, the individual is required to correct the information with the SSA or provide acceptable evidence that Virginia's records need to be corrected: the responsibility of resolving the discrepancy does not lie with DMV, but rather with the individual who is applying for a credential. Due to privacy laws, it is not expected that either the SSA or any other jurisdiction would permit DMV to speak on behalf of its customer to resolve situations involving discrepant SSNs. Therefore, it would appear to be more reasonable and appropriate for the applicant to communicate directly and take the lead in coordinating with the relevant agencies to resolve such situations. This would reduce the administrative burden of implementing the SSN resolution requirement and would potentially lead to speedier resolutions.

OTHER COMMENTS:

Recently, Illinois hosted a REAL ID Act meeting, which included representatives from nine other jurisdictions. During the course of the discussions, all other jurisdictions indicated that they would require the individual themselves to resolve any SSN discrepancies.

TASK FORCE RECOMMENDATION:

REGULATIONS PERTAINING TO THE SSN-RELATED REQUIREMENTS OF THE ACT SHOULD REQUIRE THE APPLICANT TO RESOLVE DISCREPANCIES, EXCEPT IN CASES OF DMV ERROR, AND SHOULD FORESTALL REQUIRING LETTERS OF INELIGIBILITY UNTIL THE SSA HAS A RELIABLE ISSUANCE SYSTEM IN PLACE.

Applicants whose SSN, name and date of birth do not match with information in the records of the SSA or whose SSN matches one used by another individual in another jurisdiction are in a better position to communicate and coordinate with the relevant entities that could provide resolution to the issue. Once the applicant has contacted the appropriate agency(ies) and determined the cause of the discrepancy and/or obtained resolution, then the applicant should then provide DMV with the information and documentation necessary for DMV to accurately update its records, obtain SSN confirmation from SSA, and issue a credential.

Currently, there is inconsistency in the ability of jurisdictions to obtain letters of SSN ineligibility. Before any jurisdiction is required to obtain such documentation, regulators need to ensure that the SSA is able to issue letters of ineligibility in a consistent and timely manner to all jurisdictions.

ACCEPTABLE PROOF OR SOURCE DOCUMENTS

IMPLEMENTATION ISSUE:

Whether federal regulations should establish an explicit list of acceptable proof or source documents or whether it is preferable for regulations to contain criteria and procedures that allow the states to determine what documents can be used by residents for proving identity, date of birth, principal residence address, SSN, and legal presence.

IMPACTS AND CHALLENGES:

This issue will greatly impact all Virginia residents applying for DL/IDs. It will most significantly impact those individuals who for reasons such as age, low income status, or education level may have difficulty in obtaining documents that are typically used to establish identity or date of birth. In addition, the manner in which this requirement must be implemented will also impact DMV, particularly on administrators who are responsible for determining what identity, residency and legal presence documents are appropriate for the residents of Virginia.

Establishing in Regulations a List of Acceptable Documents

The REAL ID Act requires an individual to present documents that establish his/her full legal name, date of birth, principal residence address, SSN or lack thereof and lawful status. A federal regulation compelling a rigid list of acceptable source documents could significantly limit the ability of individuals, who are otherwise eligible for a credential, to establish the proof necessary to obtain a compliant credential. These individuals would be left without the means to obtain a credential that is necessary for federal purposes such as accessing federal buildings or boarding an airplane.

It will likely be argued by some that placing an acceptable list of source documents into regulation would diminish the burden on an agency associated with administering the proof requirements under the REAL ID Act. In addition to setting forth a bright-line rule, it may be argued that placing a limited list of acceptable documents into regulation would minimize the number of issuing entities necessary for the verification process. However, it should be noted that any regulation that proves to be unreasonable will create a significant burden on any implementing agency or state that must ultimately answer to the public.

Establishing Criteria For State Selection of Acceptable Documents

Establishing careful, well thought-out criteria and procedures for state selection of acceptable source documents would insure adherence to minimal requirements while at the same time allowing for security and flexibility in administering the REAL ID Act. A federal regulation that sets priorities and describes standards to be followed, instead of mandating a confined list that defines what documents can be accepted, will promote state compliance without necessarily jeopardizing the intended purpose of the Act. It is essential, that under any federal regulatory scheme, DMV must be given appropriate and adequate discretion in which to act.

Establishing criteria as opposed to fixed lists of acceptable documents would allow for more timely removal or “de-listing” of source documents that have proven to be unreliable over time and would allow for the timely addition of documents when new documents are created or come into being. Any system in which it becomes necessary to go through a prolonged regulatory process to add or remove acceptable source documents would be counterproductive to effective administration of the REAL ID Act.

TASK FORCE RECOMMENDATION:

DO NOT PLACE IN REGULATIONS A LIST OF ACCEPTABLE SOURCE DOCUMENTS, BUT IMPLEMENT A SYSTEM SIMILAR TO THAT IMPLEMENTED IN VIRGINIA, IN WHICH LISTS ARE ESTABLISHED BY POLICY, BASED ON CRITERIA ESTABLISHED IN THE LAW.

Virginia DMV has experienced the disadvantages of placing lists of acceptable source documents into regulations. When specific lists of documents are written into regulations, the flexibility to add or remove acceptable documents is reduced or eliminated. The Task Force believes that an approach for establishing the list of acceptable source documents similar to that used in Virginia should be considered.

First, through policy, and not regulation, a list of acceptable documents has been developed for the general public to use as proof of identification, legal presence and residency. The list of acceptable documents was developed with the assistance and input from a variety of sources and experts. Further, the list is a living, breathing document that is routinely updated and revised as DMV obtains information regarding documents already on the list, or that perhaps, should be on the list.

Second, an exception or alternative process has been instituted to allow for consideration of documents not on the acceptable list, when an applicant is able to demonstrate, after diligent effort, that such documents are not available due to extenuating circumstances, such as their advanced age. This process, which provides for added security in the issuance process, but does not result in the unreasonable denial of credentials, has been effective in Virginia.

COSTS OF AND FUNDING FOR IMPLEMENTATION

IMPLEMENTATION ISSUE:

What will be the costs of implementing the REAL ID Act and how will those costs be funded?

IMPACTS AND CHALLENGES:

IMPLEMENTATION COSTS

The costs of implementing the REAL ID Act will depend upon various factors, many of which cannot be assessed until regulations are promulgated. Cost estimates for implementing the REAL ID Act vary widely, depending on the source of the estimate. The Congressional Budget Office estimated costs of \$120 million for implementation nationwide while the NCSL estimates costs between \$500 and \$700 million nationwide. Virginia DMV has attempted to estimate the costs associated with five possible REAL ID scenarios.

Non-compliance:

It is estimated that non-compliance with REAL ID would cost the Commonwealth only \$50,000. However, this is not a viable option because, in all likelihood, residents of the Commonwealth will desire or need compliant DL/IDs.

Compliance:

The cost of compliance varies, depending upon how the requirements of the Act are implemented, as shown below. Unless indicated otherwise, all options assume:

- Central issuance of DL/IDs will be in place, with credentials mailed to customers after verification has been completed¹⁷;
- Temporary grandfathering of existing credentials¹⁸
- Systems redesign costs of \$33 million;
- The verification of all customers' documents will be handled through electronic data exchanges;
- One-time costs of \$880,000 to build electronic data exchanges with all other DMVs in conjunction with AAMVA¹⁹;
- Recurring annual costs of \$164,000 to exchange DL/ID information with DMVs;

¹⁷ DMV plans to implement central issuance in the fall or winter of 2006, for purposes of enhancing security in the issuance of DL/IDs. Generally, under a central issuance process, applicants apply for a credential using the various application processes that are available; but, in all cases, the credential is produced at a central location and mailed to the applicant.

¹⁸ Under temporary grandfathering, a credential in circulation on the effective date of the Act would be deemed compliant (acceptable for federal purposes) until its expiration date. If temporary grandfathering is not permitted by regulators, then the costs of implementing all compliance options would be significantly higher.

¹⁹ AAMVA plans to build a DRIVERs database to facilitate the exchange of customer information among all jurisdictions. The one-time programming costs to interface with this database are not known at this time, but are expected to be significant. This estimate is based on DMV's experience with building an interface to AAMVA's National Motor Vehicle Titling Information System (NMVTIS), but actual costs could be higher.

- One-time costs of \$587,000 to build four electronic data exchanges for verification of two proofs of identity, one proof of legal presence, and one proof of residency²⁰;
- Recurring annual costs of \$246,000 to conduct four verification inquiries for each customer applying for a DL/ID;
- Variable one-time costs for the purchase of document scanners (the number of scanners varies depending upon the staffing requirements of each option);
- One-time costs of \$134,000 to purchase the technology needed to accommodate the storage of proof documents; and
- Annual recurring costs of \$17,000 for storing the images of the customers' proof documents.

Compliance Option 1: Separate DL/ID Centers/On-site Document Verification.

DMV could eliminate today's "one-stop" shopping model and create separate DL/ID centers. This approach would ensure that the impact of REAL ID is not imposed on customers wishing to conduct vehicle-related transactions.

Staff in the DL/ID centers would verify customers' documents while they wait²¹.

A receipt allowing customers to drive would be issued over the counter upon completion of the verification process.

The DL/ID would be mailed to the customer in 3 to 5 days.

Current average customer wait times of 20 minutes would be maintained.

This requires 40 additional facilities and 1,464 additional field and call center employees.

Estimated one-time costs: \$169 million

Estimated annual recurring costs: \$ 63 million

Compliance Option 2: Two-Step Process with Headquarters Verification.

DMV could utilize a two-step process and retain today's one-stop shopping service delivery model.

Applicants would submit their documents at a CSC but would leave with receipt, not a compliant credential.

Verification would be completed by staff at headquarters.

A credential would be mailed to the customer within 3 to 5 days after verification.

Current average wait times would increase by 4 minutes (19 percent).

The lag time between application and receipt of the DL/ID increases based on the length of time needed to verify all documents.

This does not require new facilities or field staff but requires leased space for headquarters verification staff and 111 additional staff to perform verification.

Estimated one-time costs: \$ 35 million

Estimated annual recurring costs: \$ 5 million

Compliance Option 3: Two-Step Process with Customer Choice and Headquarters Verification.

Utilizing the two-step process above, DMV could create the ability for customers to choose either a compliant or a non-compliant DL/ID. Potential benefits of this option include: (1) a reduction in the number of customer documents that must be verified, and (2) the potential to repeal Virginia's current legal presence statute so that those who are not able to prove lawful presence could obtain non-compliant driver's licenses. Today's one-stop shopping service delivery model would be retained.

This assumes that 70 percent of all customers would choose to obtain a compliant DL/ID.

Applicants would submit their documents at a CSC but would leave with a receipt and not a credential.

Verification of proof documents would be completed by staff at headquarters, but only for applicants for compliant credentials.

²⁰ The electronic data exchange needed to verify SSN already exists.

²¹ Electronic verification systems must be available and operational for this scenario.

The DL/ID (compliant or non-compliant) would be mailed to the customer within 3 to 5 days after verification.

Current average wait times would increase by 3 minutes (13 percent).

The lag time between application and receipt of the DL/ID increases based on the length of time needed to verify all documents.

This does not require new facilities or field staff but requires leased space for headquarters verification staff and 77 additional staff to perform verification.

Estimated one-time costs: \$ 35 million

Estimated annual recurring costs: \$ 4 million

Compliance Option 4: REAL ID in Today's Environment.

DMV could implement REAL ID without any additional facilities, staff, or changes in its current service delivery model.

Customers would present their proof documents at CSCs and wait while they are verified by CSC staff. At a minimum, this implementation option would increase average customer wait times to 71 minutes (a 258 percent increase).

Customer wait times would be significantly longer since verifications cannot be accomplished electronically.

Estimated one-time costs: \$ 35 million

Estimated annual recurring costs: Less than \$1 million (\$800,000)

FUNDING SOURCES

Federal funds: Although Congress authorized federal funding, it is not likely that federal funds will be sufficient to fully cover the costs of implementing the REAL ID Act. To date, \$40 million dollars has been appropriated for implementation. Of this appropriation, \$34 million is dependent on approval of the DHS plan for implementation and \$6 million is earmarked for pilot projects to integrate hardware, software, and information management systems. Currently DHS is working with AAMVA to identify pilot projects that would provide the most benefit in planning for implementation.

State funds: It is likely that state funds will be necessary for covering a significant portion of implementation costs. As any implementation effort will be complex and protracted, funds will likely need to be made available much earlier than the effective date of the Act or any other implementation deadline.

Driver's license fees. Currently, the fee imposed for a driver's license is \$4 per year of duration, while the fee imposed for a five year ID card is \$10. Increasing the fees for these credentials, particularly compliant credentials, would also serve as a reasonable option for funding implementation of the REAL ID Act. It should be noted that increasing DL/ID fees would disproportionately impact those who are indigent.

TASK FORCE RECOMMENDATION:

TO DETERMINE THE COSTS AND FUNDING THAT WILL BE NECESSARY FOR IMPLEMENTATION OF THE REAL ID ACT, VIRGINIA SHOULD PROMPTLY DETERMINE THE COMPLIANCE OPTION THAT WILL BE IMPLEMENTED.

The Task Force recommends implementation of Compliance Option 3. This option would be consistent with the Task Force's recommendation that Virginia comply with the REAL ID, but also offer Virginia residents an alternative credential for which not all requirements of REAL ID must be satisfied. Implementation of Compliance Option 3 would also seem to be consistent with DMV's plans to implement, in fall/winter 2006, a central issuance system for DL/ID.

CONCLUSION

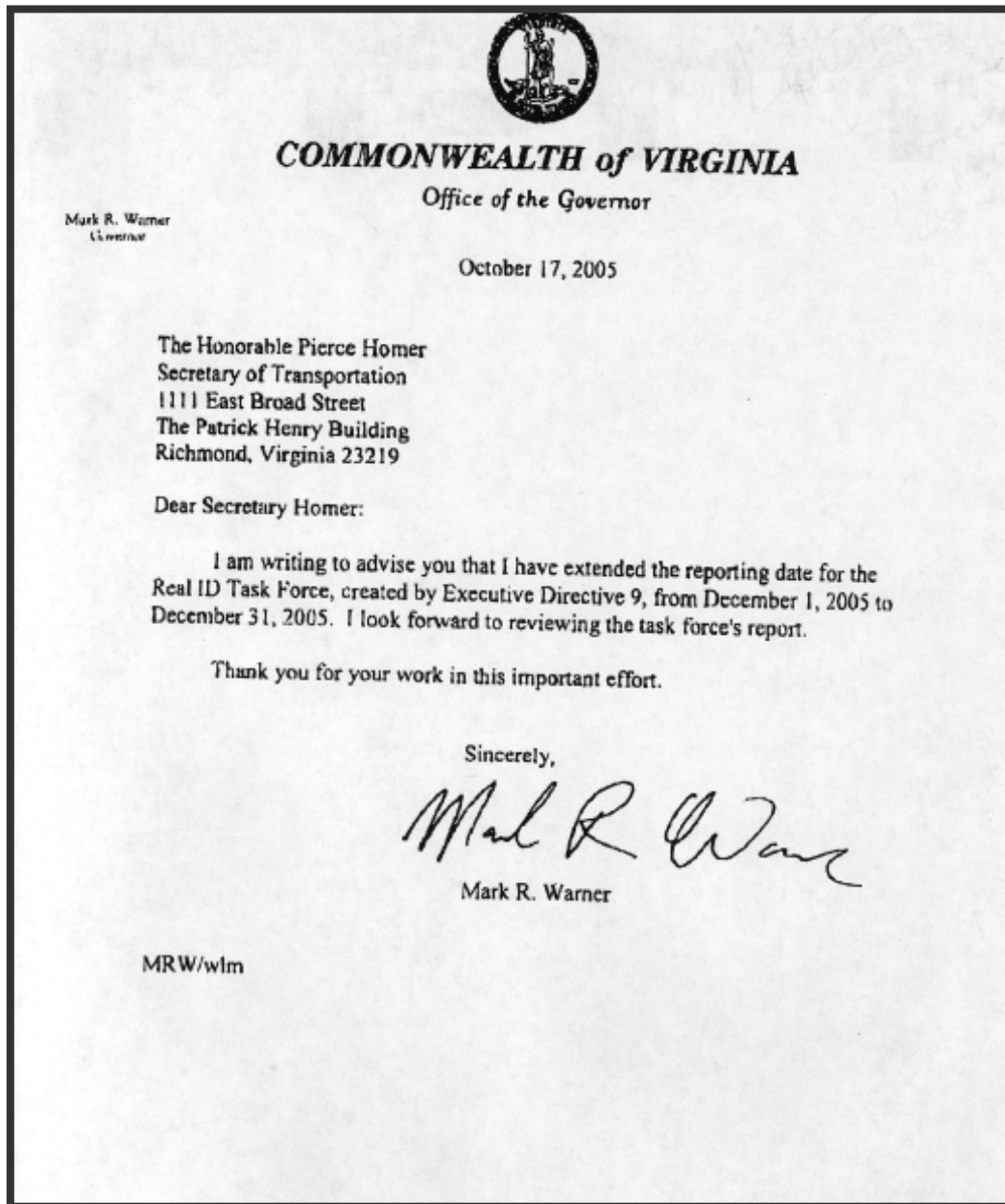
Implementation of the REAL ID Act will standardize issuance of DL/IDs across the states and ensure greater security of these credentials. However, implementation of the Act will significantly impact delivery of service, privacy, technology, systems, staffing and budgets in all states.

It is difficult for Virginia or any other state to take significant steps in implementing the Act until the Secretary of Homeland Security promulgates regulations that clarify requirements of the Act. These regulations probably will not be available until 2007, leaving Virginia and all other states with a year or less to implement the Act.

Virginians will be negatively impacted if Virginia is unable to meet the implementation deadline of the REAL ID Act. For this reason alone, Virginia must stand ready to make its voice heard at the national level, promoting and advocating reasonable regulations and deadlines for implementation.

Appendix A

Executive Directive 9 *Governor's Task Force on the REAL ID Act*





Executive Directive 9 (2005)

GOVERNOR'S TASK FORCE ON THE REAL ID ACT

Introduction

In 2004, Virginia implemented practical enhancements to our driver licensing processes to keep the threat of terrorism from dramatically altering our lives. These changes were designed to meet federal goals for security while preserving levels of service demanded by our citizens.

In May of this year Congress passed the Real ID Act, which for the first time creates national standards for state-issued driver's licenses.

If this legislation is not properly funded or implemented, it will become an expensive, unfunded federal mandate that will affect every person who applies for or holds a Virginia driver's license or identification card. Several of the requirements, particularly those having to do with verification of documents used to acquire a driver's license, are potentially expensive and technologically difficult to implement. Implementation of this Act may well substantially increase the amount of time and money required for Virginia residents to obtain or renew their driver's license or identification card. Careful consideration must also be given to ensure the protection of Virginians' personal information. To minimize any negative impact, Virginia's response to the Act must be well thought-out and carefully planned.

Therefore, by virtue of the authority vested in me as Governor under Article V of the *Constitution of Virginia* and under the laws of the Commonwealth, including, but not limited to, Chapter 1 of Title 2.2, I hereby create the Governor's Task Force on the Real ID Act of 2005.

The Task Force

The task force will initially consist of 15 members appointed by the Governor and serving at his pleasure. Additional members may be appointed by the Governor at his discretion. The task force will be chaired by the Commissioner of the Department of Motor Vehicles (DMV). Staff support will

be provided by DMV, the Office of the Secretary of Transportation, and such other agencies as the Governor may designate.

Responsibilities of the Task Force

The task force will be responsible for the following:

1. Reviewing the Real ID Act and raising public awareness about its potential impact on Virginia, including but not limited to the potential increased cost of licensure, administrative burdens on the public and businesses, and the potential benefits of the Act;
2. Exploring options for compliance with the Act while protecting the security and integrity of Virginians' personal information;
3. Recommending action steps to be taken at the federal and state levels to minimize the impacts of any unfunded federal mandates, remove impediments to compliance, and to ease the cost and administrative burden of the Act;
4. Identifying a timeline for implementation; and
5. Recommending strategies for Virginia to take to address the Act.

The task force shall also examine other issues as appropriate.

Reporting Requirements

The task force shall issue a report to the Governor and General Assembly by December 1, 2005.

Effective Date of the Executive Directive

This Executive Directive shall be effective upon its signing and shall remain in full force and effect until December 31, 2005, unless sooner amended or rescinded by further executive directive.

Given under my hand this 19th day of September 2005.

Mark R. Warner, Governor

Appendix B

Governor's Task Force on the REAL ID Act: Members

Mr. D. B. Smit, Chairman
Department of Motor Vehicles

Mr. Robert M. Blue
Dominion Resources, Inc.

Mr. Richard Barton Campbell
Office of the Attorney General

Ms. Eileen Filler-Corn
Governor's Liaison Office

Colonel W. Stephen Flaherty
Virginia State Police

Mr. George Foresman
Office of Commonwealth Preparedness

Ms. Tanya M. Gonzalez
City of Richmond

Mr. John W. Knapp, Jr.
Verizon Virginia

The Honorable Dean A. Lynch
Office of the Secretary of Health and Human Resources

Mr. Steven L. Myers
Virginia Poverty Law Center

Ms. Betty L. Serian
Pennsylvania Department of Transportation

Mr. Roger L. St. John
Philadelphia Region of the Social Security Administration

The Honorable Walter Tejada
Arlington County Board of Supervisors

Mr. Kent Willis
American Civil Liberties Union of Virginia (ACLU)

Appendix C

Text of the REAL ID Act with Comments

The various implementation items or issues associated with the REAL ID Act and identified by the Task Force are created or implicated by one or more provisions of the Act. In order to correlate the issues with the relevant sections of the Act, the Act is set out below along with comments that identify various implementation issues and/or Task Force recommendations. Other less significant technical and operational issues and recommendations are also noted.

Public Law 109–13
109th Congress
May 11, 2005

An Act Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

DIVISION A—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

[Omitted]

DIVISION B – REAL ID ACT OF 2005

TITLE I—AMENDMENTS TO FEDERAL LAWS TO PROTECT AGAINST TERRORIST ENTRY

[Omitted]

TITLE II--IMPROVED SECURITY FOR DRIVERS' LICENSES AND PERSONAL IDENTIFICATION CARDS

SEC. 201. DEFINITIONS.

In this title, the following definitions apply:

- (1) Driver's license.--The term ``driver's license" means a motor vehicle operator's license, as defined in section 30301 of title 49, United States Code.
 - (2) Identification card.--The term ``identification card" means a personal identification card, as defined in section 1028(d) of title 18, United States Code, issued by a State.
 - (3) Official purpose.--The term ``official purpose" includes but is not limited to accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes that the Secretary shall determine.
 - (4) Secretary.--The term ``Secretary" means the Secretary of Homeland Security.
 - (5) State.--The term ``State" means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.
- **“Official Purpose” should be clarified and carefully defined by the Secretary. Those purposes delineated in the statute pertain only to physical access and the issue is whether the Secretary will identify non-access purposes, such as receipt of federally**

funded public benefits, as purposes for which non-compliant credentials will not be accepted.

SEC. 202. MINIMUM DOCUMENT REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION.

(a) Minimum Standards for Federal Use.--

(1) In general.--Beginning 3 years after the date of the enactment of this division, a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of this section.

- **The language “In general—Beginning 3 years after....the requirements of this section” should be interpreted to refer to the status of a state’s compliance and not the compliance status of the state-issued credential. This would ensure that bearers of DL/IDs issued by compliant states are permitted to use, for official purposes, their existing credential either permanently or until it expires, at which time a compliant credential could be obtained (“Grandfathering”). This approach will minimize a “rush on DMV” and will permit a more orderly and reasonable implementation of the Act.**

(2) State certifications.--The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary, in consultation with the Secretary of Transportation, may prescribe by regulation.

(b) Minimum Document Requirements.--To meet the requirements of this section, a State shall include, at a minimum, the following information and features on each driver's license and identification card issued to a person by the State:

- (1) The person's full legal name.
- (2) The person's date of birth.
- (3) The person's gender.
- (4) The person's driver's license or identification card number.
- (5) A digital photograph of the person.
- (6) The person's address of principal residence.
- (7) The person's signature.
- (8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.
- (9) A common machine-readable technology, with defined minimum data elements.

“Full legal name”: criteria will need to be established to take into account various cultural differences in names, such as dual last names as seen in Hispanic cultures. In addition, federal agencies that issue documentation should also be required to follow similar criteria to ensure consistency among documents.

Date of birth: no comment

Gender: no comment

Driver’s license or ID card number: no comment

Photograph: This and signature should be the only biometrics required under regulations—any other biometric is not authorized under the Act.

Address of principal residence: Act should be amended so that states are required to collect the primary residential address and maintain it in their databases but can, for privacy and safety reasons, display a mailing address on the credential instead of the residential address if requested by the applicant.

Signature: This and photograph should be the only biometrics required under regulations—any other biometric is not authorized under the Act.

Physical security features: regulations should be written in such a way to ensure that (1) specific features are not required, but can be selected from a list of acceptable features and (2) the nature and detail of the security features implemented by a state is protected from disclosure under federal/state FOIA laws.

A common machine-readable technology, with defined minimum data elements: the technology required should ensure consistency among the states and enhance possibility of widespread use.

(c) Minimum Issuance Standards.--

(1) In general.--To meet the requirements of this section, a State shall require, at a minimum, presentation and verification of the following information before issuing a driver's license or identification card to a person:

(A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's full legal name and date of birth.

(B) Documentation showing the person's date of birth.

(C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number.

(D) Documentation showing the person's name and address of principal residence.

(2) Special requirements.--

(A) In general.--To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.

(B) Evidence of lawful status.--A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person--

(i) is a citizen or national of the United States;

(ii) is an alien lawfully admitted for permanent or temporary residence in the United States;

(iii) has conditional permanent resident status in the United States;

(iv) has an approved application for asylum in the United States or has entered into the United States in refugee status;

(v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(vi) has a pending application for asylum in the United States;

(vii) has a pending or approved application for temporary protected status in the United States;

(viii) has approved deferred action status; or

(ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(1) Proof of ID, DOB, SSN, Residence: List of acceptable documents should not be placed in regulation. Otherwise it will be difficult to eliminate obsolete or inappropriate documents and/or to add acceptable documents without prolonged regulatory action. Further minimizing a list of acceptable documents in order to minimize the number of entities needed to verify documents would place an undue burden on applicants because it reduces the number of acceptable documents available for applicant use.

(2)(A)(B) Legal Presence Requirement: Regulations should mandate that all backlogs associated with the SAVE system are processed and that the system going forward is updated in a timely manner.

(C) Temporary drivers' licenses and identification cards.--

(i) In general.--If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.

(ii) Expiration date.--A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.

(iii) Display of expiration date.--A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires.

(iv) Renewal.--A temporary driver's license or temporary identification card issued pursuant to this subparagraph may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary driver's license or temporary identification card has been extended by the Secretary of Homeland Security.

(2)(C) Regulations need to clearly state how states should indicate “Temporary” on a license: for privacy purposes and to reduce opportunities for discrimination, the preferable approach to this is by means of a code on the face of the document that is decoded on the reverse side.

(3) Verification of documents.--To meet the requirements of this section, a State shall implement the following procedures:

(A) Before issuing a driver's license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under paragraph (1) or (2).

The Act should be amended and/or regulations drafted to:

**extend the deadline for compliance with the verification requirement;
eliminate verification requirements if data bases or electronic exchanges don't exist or cannot be accessed by DMVs; or postpone until developed, funded and accessible by DMVs;**

mandate compliance and timely database updates and information disclosures by federal and state agencies and private entities, (the specific entities can be specified in regulation—it is likely that private entities will resist any mandates);

establish privacy rules relating to any information transferred during verification so that use/release is authorized only for purposes of verification and prohibit sale or any other release of such information;

clarify definitions, or modify use of the terms “issuance, validity and completeness” that are currently used in the act to describe items that must be verified with a source document's issuing entity. (Unless clarified or modified, this language could easily be interpreted to mean that a copy of each source document would have to be sent to an issuing entity and verified accordingly. It is not clear how an issuing entity would be able to verify validity or completeness of a document without examining an actual copy of the document);

specify that electronic requests and responses are acceptable means of verification;

indicate whether third party sources (such as information brokers) could stand in as verification agents of issuing entities; and

provide funding to state agencies and private entities to implement and/or subscribe to verification systems.

For purposes of residence address, options for verification should include mailing the credential to the stated address along with verification using a service such as an address verification service or a credit bureau. Otherwise, address verification requirement should be eliminated.

(B) The State shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2).

- **Foreign documents: no comment**

(C) Not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009-664), to verify the legal presence status of a person, other than a United States citizen, applying for a driver's license or identification card.

SAVE Memorandum: No comment—seek reduction in query fees.

(d) Other Requirements.--To meet the requirements of this section, a State shall adopt the following practices in the issuance of drivers' licenses and identification cards:

(1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.

- **Digital Images of identity source documents—no comment**

(2) Retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years.

Retain paper copies of source documents 7 years, electronic copies 10 years: To address information confirmation requirement for renewals, permit longer retention period in lieu of requiring presentation of documents each time an applicant renews.

(3) Subject each person applying for a driver's license or identification card to mandatory facial image capture.

- **Mandatory Facial Image capture: This and a signature should be the only biometrics required under regulations—any other biometric is not authorized under the Act.**

(4) Establish an effective procedure to confirm or verify a renewing applicant's information.

Establish an effective procedure to confirm or verify a renewing applicant's information—need clarification in the regulations as to whether this requirement is intended to apply

to only renewals of compliant documents or whether it is intended to apply to all renewals.

If this language is construed to apply only to renewal of compliant documents, then the only two items that should require verification/confirmation are (1) lawful presence if the applicant's status and credential are temporary, and (2) residence address, which should be verifiable by mailing to the address.

This language could be construed to apply to all renewals and regulations should provide for grandfathering, stating that an effective procedure (1) is one that allows existing credentials to naturally expire and (2) imposes new issuance/confirmation requirements at the time a renewal first comes due after May 2008.

The Act is silent on the issue of what needs to be done in other reissuance scenarios, such as duplicates, or issuance after suspension/revocation. The same rules should apply to renewals and reissues.

(5) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driver's license or identification card, the State shall resolve the discrepancy and take appropriate action.

- **SSN verification and resolution:** Act or regulations should clarify that DMV should only have to resolve SSN discrepancies if DMV is able to determine that it has erroneously assigned an SSN to a person's driving record. The individual and/or SSA should be required to resolve any other discrepancies, such as assignment by SSA of the same SSN to two individuals, or assignment of the SSN to another person's driving record in another state.

(6) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another State without confirmation that the person is terminating or has terminated the driver's license.

Regulations should provide that confirmation of termination includes physical surrender of the license to the new state or physical alteration of the prior license and/or transmittal of a notice (electronic or paper) to the prior state. Actual confirmation of termination cannot be required until a data exchange, such as DRIVeRS is funded and accessible.

(7) Ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of document materials and papers from which drivers' licenses and identification cards are produced.

Ensure the physical security of production sites and materials: No comment

(8) Subject all persons authorized to manufacture or produce drivers' licenses and identification cards to appropriate security clearance requirements.

“Appropriate Security Clearances” for persons who manufacture or produce drivers' licenses and ID cards: Regulations should require only basic criminal background checks and specify frequency.

(9) Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of drivers' licenses and identification cards.

(10) Limit the period of validity of all driver's licenses and identification cards that are not temporary to a period that does not exceed 8 years.

8 year period of validity limitation: no comment—currently, standard duration of a Virginia credential is 5 years.

(11) In any case in which the State issues a driver's license or identification card that does not satisfy the requirements of this section, ensure that such license or identification card--

(A) clearly states on its face that it may not be accepted by any Federal agency for federal identification or any other official purpose; and

(B) uses a unique design or color indicator to alert Federal agency and other law enforcement personnel that it may not be accepted for any such purpose.

Non-compliant credentials:

(A) **Non-acceptance indicator on credential: “May not be accepted by any Federal agency for federal identification or any other official purpose”.** (1) If regulations specify exact wording that must be used, wording should be minimal due to limited space on DLs/ID cards. (2) Language that is required will need to be very carefully worded to ensure that it is clear that non-acceptance applies only to the federal government/federal purposes. Using specific language that is contained in the statute would tend to mislead an uninformed observer.

(B) **Regulations regarding unique design and color should not be specific**

Requirements/regulations issued pursuant to (A) and (B) should take into consideration that many states will be utilizing a central issue program in which paper/interim driver's licenses will be issued during the period between application and issuance/denial and will fall under the category of non-compliant documents. Thus, it should not be assumed that the only impacted credentials will be plastic cards and there may need to be separate requirements for these paper/interim non-compliant documents.

(12) Provide electronic access to all other States to information contained in the motor vehicle database of the State.

- **Generally: Act should be amended or regulations should provide for an extension of time to allow development of a centralized system/clearinghouse to accommodate this requirement. Unless or until databases and electronic exchanges are funded, developed and accessible to DMVs, this requirement must be postponed. States will not be able to address this requirement on a state-by-state basis.**

Regulations should prohibit use, release or dissemination of information obtained from other states' databases, to ensure compliance with the source state's privacy laws and requirements. While the federal Driver Privacy Protection Act provides uniform protection for all states, some states have enacted privacy laws that are more stringent than the DPPA.

(13) Maintain a State motor vehicle database that contains, at a minimum--

(A) all data fields printed on drivers' licenses and identification cards issued by the State; and

(B) motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.

Data fields on license: No comment

Motor vehicle driver history: Requiring points is meaningless as point systems are different from state to state. Regulations should not dictate a uniform point system as this exceeds the purpose of the Act. Regulations must not prescribe formats or layouts of driving records.

SEC. 203. TRAFFICKING IN AUTHENTICATION FEATURES FOR USE IN FALSE IDENTIFICATION DOCUMENTS.

(a) Criminal Penalty.--Section 1028(a)(8) of title 18, United States Code, is amended by striking ``false authentication features" and inserting ``false or actual authentication features".

(b) Use of False Driver's License at Airports.--

(1) In general.--The Secretary shall enter, into the appropriate aviation security screening database, appropriate information regarding any person convicted of using a false driver's license at an airport (as such term is defined in section 40102 of title 49, United States Code).

(2) False defined.--In this subsection, the term ``false" has the same meaning such term has under section 1028(d) of title 18, United States Code.

Trafficking: No comment

SEC. 204. GRANTS TO STATES.

(a) In General.--The Secretary may make grants to a State to assist the State in conforming to the minimum standards set forth in this title.

(b) Authorization of Appropriations.--There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this title.

Grants should be significant and monies will be needed in advance to develop programs, particularly those associated with verification.

SEC. 205. AUTHORITY.

(a) Participation of Secretary of Transportation and States.--All authority to issue regulations, set standards, and issue grants under this title shall be carried out by the Secretary, in consultation with the Secretary of Transportation and the States.

(b) Extensions of Deadlines.--The Secretary may grant to a State an extension of time to meet the requirements of section 202(a)(1) if the State provides adequate justification for non-compliance.

Regulations and consultation: Consultation with individual states is critical and should not be substituted by solely conferring with particular associations or bodies. Consultations with the National Governors' Association and the National Conference of State Legislatures is also critical.

Extensions of Deadlines: Extensions should be liberally granted and justifications should include the lack of infrastructure or electronic systems/technology to implement requirements, particularly verification.

SEC. 206. REPEAL.

Section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) is repealed.

SEC. 207. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this title shall be construed to affect the authorities or responsibilities of the Secretary of Transportation or the States under chapter 303 of title 49, United States Code.

Appendix D

ACRONYM	EXPLANATION
AAMVA	<i>American Association of Motor Vehicle Administrators</i> AAMVA represents the state and provincial officials in the United States and Canada who administer and enforce motor vehicle laws.
CCC	<i>DMV Customer Contact Center</i> DMV's telephone call center.
CDL	<i>Commercial driver's license</i> Refers to both the license and the program. The CDL Program is a nationwide effort to ensure that only qualified commercial drivers receive and maintain commercial driver licenses (CDLs) and to remove unsafe and unqualified drivers from our highways. Established under the federal Commercial Motor Vehicle Safety Act of 1986.
CDLIS	<i>Commercial Driver's License Information System</i> AAMVA's electronic exchange of commercial driver's license information among jurisdictions.
Compliant Credential	A driver's license or ID card issued under the standards of the Act that can be accepted by federal entities for official purposes.
Credential	<i>A driver's license or ID card</i>
CSC	<i>DMV Customer Service Center</i> DMV offices providing driver- and vehicle-related transactions.
DHS	<i>The U.S. Department of Homeland Security</i>
DL/ID	<i>Driver's License and Identification Card</i>
DLA	<i>Driver's License Agreement</i> AAMVA effort to develop driver licensing and sanction standards ("one driver, one record system") in all jurisdictions. Still under development.
DOB	<i>Date of birth</i>
DOS	<i>U.S. Department of State</i>
DPPA	<i>Driver Privacy Protection Act</i> Federal law restricting dissemination of personal information from state motor vehicle driving records.
DRIVERs	<i>Driver Record Verification System</i> AAMVA effort to combine three existing systems: the Commercial Driver License Information System (CDLIS), the Problem Driver Pointer System (PDPS), and the Driver License Reciprocity System (DLR). Still under development.
Executive Directive 9	<i>Governor's Task Force on the REAL ID Act, dated September 19, 2005.</i>
FOIA	<i>Freedom of Information Act</i> Federal and state statutes. Among other specifications, the state Act governs the meetings and conduct of business of public bodies.
HQ	<i>Headquarters</i> DMV's headquarters building in Richmond; also used to refer to operations and directives.

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ACRONYM	EXPLANATION
ICE	<i>U.S. Immigration and Customs Enforcement</i>
IT	<i>Information technology</i>
LP	<i>Legal Presence</i> Law enacted in Virginia in 1/1/04, requiring DL/ID applicants to prove lawful presence in the U.S.
MOU	<i>Memorandum of Understanding</i> Legal and binding agreement between DMV and others to provide services, use information or access records.
NAAG	<i>National Association of Attorneys General</i> NAAG seeks to foster an environment of cooperative leadership, helping Attorneys General respond effectively - individually and collectively - to emerging state and federal issues.
NCIC	<i>National Crime Information Center</i> FBI database.
NCSL	<i>National Conference of State Legislatures</i> Bipartisan organization that serves the legislators and staffs of the nation's 50 states, its commonwealths and territories; provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues.
NDR	<i>National Driver Register</i> A central repository of information on individuals whose privilege to drive has been revoked, suspended, canceled or denied or who have been convicted of serious traffic-related offenses. The system is also referred to as the Problem Driver Pointer System (PDPS).
NGA	<i>National Governors Association</i> The National Governors Association is the collective voice of the nation's governors and a prominent Washington, D.C.'s, public policy organizations.
NHTSA	<i>National Highway Traffic Safety Administration</i>
PDPS	<i>Problem Driver Pointer System</i> AAMVA-operated database; serves as a repository of information on problem drivers provided by all 51 U.S. jurisdictions. Allows jurisdictions to access the information as part of the driver licensing process. Also referred to as the National Driver Register (NDR).
PR	<i>Public relations</i>
SAVE	<i>Systematic Alien Verification for Entitlements</i> Automated U.S. CIS program for administering programs involving customer access to information contained in the Verification Information System (VIS) database. The SAVE Program enables Federal, state, and local government agencies to obtain immigration status information they need in order to determine an applicant's/recipient's eligibility for many public benefits.
SSA	<i>Social Security Administration</i>
SSN	<i>Social Security Number</i>
SSOLV	<i>Social Security Online Verification System</i>

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ACRONYM	EXPLANATION
TSA	<i>U.S. Transportation Security Administration</i>
U.S.CIS	<i>U.S. Citizenship and Immigration Services</i> Formerly INS. Federal agency for all matters related to citizenship and immigration.
VCIN	<i>Virginia Crime Information Network</i>

